UNIVERSITÀ DEGLI STUDI DI PADOVA

Università degli Studi di Padova

Dipartimento di Studi Linguistici e Letterari

Corso di Laurea Magistrale in

Lingue Moderne per la Comunicazione e la Cooperazione Internazionale

Classe LM-38

Tesi di Laurea

Language policy and Deaf communities: a comparative analysis of legislation concerning ASL, BSL and NZSL

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Anno Accademico 2018/2019

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INTRODUCTION

Sign language has always fascinated me: I used to see Italian deaf people signing during my summer holidays when I was a child and I met a student who was hard of hearing during my Erasmus exchange in the UK. However, I used to believe in common misconceptions about sign language and therefore I was astonished to find out that some universities offer sign language interpreting courses. Later, during my Master's degree course, I became more interested in this topic after attending Professor Giovanni Poggeschi's course "international language law", because I was surprised at studying that New Zealand granted the highest form of recognition to this minority language. Then, I attended a conference on sign language held at the University of Padua, where I came into contact with some members of the Italian Deaf community. I had the chance to learn more about Deaf culture and I became interested in their need for linguistic and cultural protection and promotion.

I decided to focus on American, British and New Zealand sign languages, because the United States, the United Kingdom and New Zealand are three English-speaking countries that have a rich linguistic landscape. However, despite their background similarities, their respective Deaf communities do not use the same sign language and they are granted different levels of protection. Therefore, the main aim of this dissertation is to compare the US, British and New Zealand language policy concerning sign language in order to find similarities and differences in relations to national and international legislation on language rights, disability and cultural minority groups.

Sign language is a communication system that employs the visual-gestural channel to convey meanings and information; it shares the characteristic features that distinguish language from other communication systems and therefore it is considered to be a fully developed language. Moreover, sign language is one of the key elements that characterises the Deaf community as a cultural minority group. Many misconceptions concerning this mode of communication have spread among the hearing community over the centuries. One of the most common ones is the belief that sign language is a simple collection of signs that derive from the verbal language of the country and cannot fully express human thoughts. On the contrary, sign language has been found to be a complete language in terms of communicative possibilities and

it is independent from the verbal language spoken by the hearing community. Moreover, sign language is reported to be a distinctive feature of Deaf people's identity and it is linked to the cultural heritage of the community that uses it. Another important aspect of sign language is acquisition. In the past, input through the visual-gestural modality were believed to be insufficient to develop the linguistic capacity of human brain completely. However, studies carried out in the last few decades and reported in this dissertation have challenged this false assumption and showed that the acquisition of sign language follows the same patterns and timing of the acquisition of verbal language and has the same benefits of the latter; moreover, deaf and hard of hearing children have been found to be more inclined to choose the modality in which they receive more stimuli. Furthermore, experts in the field agree that age of exposure to the first language (whether verbal or sign language) has an impact on language acquisition and consequently on cognitive and social abilities, which have been found to be influenced by language development. Therefore, sign language is said to be crucial to the development of deaf and hard of hearing children as fully human beings; consequently, they claim the urgent need to be exposed to sign language at early ages and to learn it as their first language.

Deaf people belong to a double category: linguistic minority group and disability group. However, their cultural and linguistic heritage has always been overlooked and they have been considered only disabled individuals. Their situation has changed from the 1950s, when academic experts started studying sign language from a linguistic point of view; thanks to academic research, sign language was found to be a full human language equal to verbal language. This finding combined with the civil rights movements in the 1960s and 1970s encouraged Deaf communities in various countries to claim their rights as a linguistic and cultural minority group. Furthermore, from the 1990s, the international community started addressing the linguistic diversity of its state members directly: some international treaties have been signed by the United Nations and the European Union in order to protect and promote languages and minority groups. The roots of Deaf communities as we know them today are linked to the establishment of residential schools for the deaf; in their surroundings, deaf people started opening Deaf clubs, where they shared common Deaf experiences and communicated via sign language. Furthermore, membership to the Deaf community

shapes deaf people's attitude towards deafness and identity: it is linked to the cultural, historical and linguistic heritage that makes Deaf people a minority group. Today, this diversity is largely acknowledged and it is the main reason why Deaf communities claim their language rights. Indeed, sign language is claimed to be one of the key features of Deaf community membership. However, defining the Deaf community dimension is challenging, because this category of people is a heterogeneous group, characterised by different degrees of deafness, age of hearing loss and feeling of membership to the Deaf community.

Therefore, the starting point of this dissertation is the need for the Deaf community to have their sign language protected and promoted. This will help them meet new generations' needs to have greater access to sign language and learn it as their first language. Moreover, they will be granted language rights as a cultural minority group like other linguistic minorities. The research questions that this dissertation aims at answering are the following: are deaf people granted more rights under the minority group label or the disability category; does official recognition entail effective language protection, active policy and a better life for deaf people. Furthermore, the other main goal of this work is to understand the impact of language policy on Deaf community, the causes of recognition or absence of sign language legal protection in the three countries, and the possible influence of international and national legislation concerning language.

This dissertation is divided into four main chapters. The first chapter will focus on sign language and it is divided into three sections. The first one will describe the characteristics that make verbal language a unique communication system and link it to its linguistic community of users; then, the same aspects will be described as distinctive features of sign language in order to provide evidence of the true linguistic nature of sign language. Moreover, it will provide an overview of the similarities and differences between sign and verbal languages, and between sign language and other manual codes. The second section will concern the acquisition of sign language and the importance of early exposure; the aim is to give linguistic and scientific support to the Deaf community's claims for help in sign language learning among Deaf and hard of hearing people. The third section will provide an introduction to sign language linguistics.

The second chapter of this dissertation will focus on sign language users and the Deaf community and it is divided in three sections. The first one will provide a description of this heterogeneous group and of the key features that make the Deaf community a linguistic and cultural minority group. The second part will provide information on deafness and will explain the two possible perspectives towards this audiological condition: the medical approach and the cultural point of view. The third section will focus on Deaf community formation, development and activism.

The third chapter will focus on language and disability rights. Indeed, the deaf and hard of hearing are part of a double category, and therefore their needs are met through these two different policies. The first section will provide a definition of language rights, an explanation of the main issues related to their recognition, and an overview of the legislation concerning language protection at an international and European level. The second one will describe minority group rights and relate them to the Deaf community; the third section will focus on the different types of language policy and levels of recognition of sign languages. The fourth part will concern disability policy.

The fourth and last chapter will focus on the case studies that I have chosen: American Sign Language (ASL), British Sign Language (BSL) and New Zealand Sign Language (NZSL). Each subsection will provide information on deaf and hard of hearing, Deaf community, history of the specific sign language, language policy concerning language in general and sign language, and disability policy. I decided to focus on the analysis of the legislation concerning sign language directly and disability laws mentioning sign language. Finally, the last subsection will provide a comparison of the findings in order to answer the research questions.

CHAPTER ONE - SIGN LANGUAGE

The aim of the first chapter is to introduce the main topic of this dissertation, that is sign language. It will provide a definition of sign language and it will report on evidence from linguistic research that supports the recognition of sign language as a real human language and the importance of its early acquisition. In particular, the first section will describe the unique characteristics of language in general from linguistic, sociolinguistic and semiotics points of view and it will explain its relations to linguistic community, identity and culture; then the same aspects will be described as distinctive features of sign language as well. Moreover, it will provide an overview of the similarities and differences between sign and verbal languages together with a description of what cannot be considered sign language. The second part of the chapter will provide general notions of the language acquisition process both in general and in reference to sign language; it will also explain the connection between language and mental development and give evidence of the importance of exposure to sign language from birth. The third section will introduce some notions of sign language linguistics.

1.1 From language to sign language

1.1.1 Definition of language

As Sutton-Spence and Woll (1999: 9-12) and Ceil and Valli (2000: 1-14) argue, language is a communication system based on rules that are shared by a community. As such, it shares some features with other communication systems, but it is also characterised by other unique ones, which are studied as part of the field of linguistics. However, although language is primarily used to communicate meanings, it also has a social function, that is to establish and modify social relationships (Spolsky 1998: 3). Furthermore, language is shaped by its linguistic community. Indeed, children acquire their first language if they are members of a community and receive enough linguistic stimuli (Yule 1996: 24); they develop cognitive status and can build their own social and cultural identity, both as individual and as part of a community (Widdowson 1996: 3). Therefore, because language is complex and linked to society,

its definition takes into consideration linguistic, socio-cultural and social-semiotic perspectives.

As far as linguistics is concerned, there are many communication systems in the world that are used by humans and by animals. For instance traffic lights, the Morse code and the systems used by dolphins and birds are various forms of communication; as such they share some features with language. However, language differs from these due to a set of elements that are peculiar to it. Like any other communication system, language is made up of symbols that convey arbitrary meanings. For instance, verbal languages use written letters combined with sounds and strings of letters that refer to physical entities or concepts. Moreover, these symbols are employed by following specific conventional rules that are shared and understood by community members; because these linguistic elements are structurally organised, they can be divided into specific categories and they carry semantic and grammatical meanings (Yule 1996: 21; Widdowson 1996: 5).

Another feature that language has in common with other communication systems is its double nature, that is it is composed of both arbitrary and iconic symbols. Arbitrary symbols are those determined by convenience and not linked to the nature of the thing or concept they refer to. Examples of arbitrary symbols in verbal language are morphemes, the combinations of written letters with sounds and the meanings assigned to words. On the contrary, iconic symbols are those whose forms mirror the physical entity they symbolise. Onomatopoeia and phonaesthesia are examples of iconicity in verbal languages, because the form of the symbol (that is the combination of letters and their respective sounds) reproduces the sound of the entity (Sutton-Spence and Woll 1999: 9-12; Ceil and Valli 2000: 1-14).

Another important key element of the communication systems has to do with the community in which it is employed. The users of each specific language form a linguistic community: they have deep knowledge of how their communication system works and share the same linguistic rules. This allows them also to be able to distinguish which rule-based symbols belong to their system from those that come from another language. In other words, in order to convey information and meanings, each community has its own language, because the members all employ the same

communication system based on rules that differ from the rules followed by another community (Sutton-Spence and Woll 1999: 4-5).

In addition to all these features that make language a form of communication, there are other elements that are characteristic of language. One of these is the high degree of productivity in terms of sentences and symbols, that is the combination of possible utterances that can be made is infinite and new symbols can be constantly created (Yule 1996: 22). Furthermore, symbols establish relationships between them that change the meaning conveyed. For instance, while in the Morse code the meaning is given by the sequence of symbols, in verbal languages the meaning is shown through grammatical symbols (such as morphemes or word classes) that express the relationship between words (Ceil and Valli 2000: 8-9). Moreover, language has an infinite possibility of expression: it can be employed to discuss all topics, describe both physical and nonmaterial entities and express every feeling and thought (Ceil and Valli 2000: 10). Another key aspect of language has to do with the fact that symbols are made up of smaller parts; these smaller elements combine to form an internal structure, but they can also be identified and used to create new meanings. This property of language is called duality. As Widdowson (1996: 6) and Yule (1996: 25) state, language is organised in two levels of structure. The first level is that of the distinctive meaningless elements; the second level is that of the combination of those elements to form many distinctive units that carry distinctive meanings. This feature enables language to be highly productive, that is to convey many different meanings with a limited set of basic elements. Moreover, it enables researchers to study the bigger units and also to break down language and study the meaningless elements (Widdowson 1996: 10).

Furthermore, language is also interchangeable, that is its users can be both senders and receivers of a message, whereas the communication between animals is unidirectional (Ceil and Valli 2000: 13). Last but not least, only language is characterised by displacement and metalinguistic function. Displacement is the possibility of referring not only to present events but also to past and future ones; moreover it enables one to talk about things that are far away in place, and about fictional and possible events. Other animals' communication forms such as bee dancing have been found to have only a restricted degree of displacement, (the latter

is related to the place of a nectar). On the contrary, human language allows for more complicated displacements in time and space. (Yule 1996: 20-21). The metalinguistic function enables speakers to talk about language by means of language itself (Ceil and Valli 2000: 13).

Another unique characteristic of language is the possibility of linguistic signs to convey more than one meaning and carry out more than one function depending on the context, whereas other communication systems do not have this potential, because each symbol expresses a univocal meaning that does not change depending on the context and the intention of its user. In other words, utterances have a double level of meaning: the semantic level, that is the conventional meaning in itself, and the pragmatic meaning, that is the speaker's intended meaning, which can change according to the context and the situation in which the sentence is uttered (Leech 1986: 6). For instance, a sentence has the potential to express the conventional meaning or to be used to express irony or indirectness. As Cutting (2014: 14) states, people perform actions when they pronounce utterances. These speech acts are classified in three main categories: the locutionary act (direct and clear meaning), the illocutionary act (the expression of the purpose of the utterance) and the perlocutionary effect (that is the effect on the receiver). Function is a key feature of language, because the latter is always used to inform, to express oneself and to convey ideas and influence the others (Halliday and Hasan 1989: 17). Austin and Searle introduced the distinction between constative and performative verbs: the former are used to state facts, whereas the latter expresses an action (to apologise, to accuse, to declare) (Álvarez 2005). Halliday (2009: 110-111) argues that language is characterised by three semantic functions, ideational, interpersonal and textual. The ideational function is related to the role of language as a mean to inform other people, to talk about the world and express oneself on a subject. The interpersonal function has to do with the speakers' possibility to engage themselves actively in the situation through language: in other words, language allows its users to express their point of view on the matter and to convey their judgement so that they affect the message that the listener will receive. Lastly, the textual function enables the language itself to operate in the real world by creating texts, which is one of the most common channel through which people communicate with each other for a specific purpose.

As far as semiotics and sociolinguistics are concerned, Halliday and Hasan (1989: 4) describe language as a "system of meaning that constitute human culture". Van Leeuwen (2005: 3) agrees and adds that language is characterised by linguistic signs, which are the union of signifier (the material form) and signified (the meaning). These linguistic signs embed one or more meanings: the denotative meaning (that is the plain conventional meaning), the connotative meaning (the association with other signs) and the iconic meaning (the image of the entity it stands for) (Kramsch 2001: 16). This system is not only fundamental for human communication, but also embedded and directly shaped by the social context of human relationships (Van Leeuwen 2005: 3). In particular, as it has been argued by Halliday (2009: 55), the selection process between the potential meanings of each word is made on the basis of the context of situation and the context of culture. The first has to do with the specific situation in which communication is established and it determines the final choices; the second is the background that provides readers with the semantic system of their language and it is said to define the range of possible meanings in the linguistic system that can be understood and exchanged by the member of that culture through their language.

Furthermore, the culture is inevitably linked to the social environment in which individuals use their language. Society is characterised by the social structure and the semantic system provided by its culture. In addition, Kramsch (2001: 7) states that language is the means through which history and traditions are shared and passed down to new generations; therefore language contributes to the creation of the same worldview and cultural identity. The knowledge of a specific language is a key element of linguistic community membership; it enables people to express themselves as unique individuals and as a part of a group (Widdowson 1996: 20). Moreover, the community shares a certain attitude towards language and it is characterised by the same culture, historical background and worldview that are embedded in the language they use (Yule 1996: 246; Spolsky 1998: 24-25). Therefore, language creates cohesion inside the community and it provides the individual with both a cultural identity and a sense of social membership of which he/she is proud (Kramsch 2001: 66). Moreover, language enables people not only to share common culture and experiences, but also

to establish and maintain social relationships and therefore to make new experiences (Spolsky 1998: 3; Kramsch 2001: 3).

Furthermore, language differs from other communication systems because it is a product of the living environment of its speakers rather than an isolated and fixed system (Halliday and Hasan 1989: 11). This factor produces linguistic variety, which is another distinctive feature of this unique communication system. Variety has to do with undergoing changes and using varieties of the same communication system that are equally valid. As Spolsky (1998: 4) argues, variation is systematic, that is it is part of language nature. This is due to the fact that language and society are closely connected and therefore language adapts itself to social changes and needs (Kramsch 2001: 7). Indeed, variation is due to social class, time, space, gender and context (Spolsky 1998: 31). Moreover, this property of language is important in the formation of personal identity as well. Every language user chooses a certain variety of their community standard language and their linguistic choices classify them as a part of a certain social group inside that community (Spolsky 1998: 5, 57). Indeed, the different ways in which language is used (for instance stylistic and lexical choices) reveal the attitudes and values that are specific to each social group inside a linguistic community (Kramsch 2001: 6).

1.1.2 Definition of sign language

Sign language is a natural form of communication (Ceil and Valli 2000: 14) that employs the visual-gestural channel to convey information and meanings (Chamberlain et al. 2000: 42). The definition of sign language has changed over the years and it has become more exact thanks to the growing linguistic research in this field. However, misconceptions about sign languages are still widespread among the population (Sutton-Spence and Woll 1999: 9). One of the main false beliefs is that sign languages are not real languages as are verbal languages (Sutton-Spence and Woll 1999: 9). However, linguistic research over the years has demonstrated that sign language is a human language, because they are characterised by all the features that make communication form a language (Kendon 2015: 34).

To begin with, one of the most widespread fallacies is that deaf people use simple gestures to communicate (Sutton-Spence and Woll: 1999: 9). On the contrary, the gestures that constitute sign language are linguistic symbols as those that characterise all other languages. The difference is the fact that the symbols used in sign language are not written letters associated with sounds but rather handshapes and facial expressions. Kendon (2015: 33-34) states that, as far as human kinesics goes, it can be argued that gestures and body movements are part of the speakers' way to communicate: they integrate speech acts by mirroring a part of the meaning conveyed through spoken language with gestures, which follow the rhythm of utterances. In particular, as Duranti (2004: 201) states, these gestures can be classified in three typologies: gesticulations, nonce pantomimes and culture-specific emblems. Gesticulations are meaningless and non-standard hand movements that cannot be understood without the uttered word they represent (for instance the hand movement that represents a verb); nonce pantomimes are non-standard gestures that vehicle meanings even without uttering the spoken sentence; cultural-specific emblems are meaningful conventionalised gestures that can replace spoken words (for instance the Australian gesture that can substitute the functional words "nothing", "none", "not"). Moreover, the use of these gestures is determined by the community's ideology, beliefs and values. An example of this is the fact that some cultures consider pointing fingers at the people the speakers are talking about as impolite (Duranti 2004: 216).

On the contrary, the signs employed by deaf signers are neither extra nor alternative elements of the spoken utterances, but rather they substitute the semiotic, structural and grammatical features of speech acts. Indeed, as Kendon (2015) argues, hand and body movements and facial expressions in sign languages are not simple gestures that can be juxtaposed, but rather linguistic units that follow specific sets of linguistic rules and create a communication system on its own; the latter allows humans to communicate by replacing spoken acts completely. Furthermore, Ceil and Valli (2000: 1-14) argue that signs establish relationships with each other as much as symbols in verbal language do. For instance, "morphology is shown by modifying some features of the sign (articulatory bundle) or of the movement" (Brentari 2010: 468).

Another popular misconception about sign language is the lack of arbitrary symbols. On the contrary, many signs do convey arbitrary meanings. Each sign refers to an entity in the real world, but this relationship is the result of conventions among users. Indeed, as the analysis of signs show, some symbols reflect the mental image of the object they refer to, while others do not. For instance, in American Sign Language (ASL), the sign CAT does not mirror the actual shape of the cat, whereas the sign GIRL is linked to bonnet ribbons, which were a distinctive trait of women (Ceil and Valli 2000: 1-14). In particular, the association between linguistic elements (that is sign in sign language) and meanings can be characterised by arbitrariness (that is decided only on the basis of convention among users), iconicity (it reproduces the form of entity it refers to) or indexicality, that is the sign point to the object it refers to or to the location of the object (an example of this are pronouns, whose signs points to the person or object they stand for) (Meier 2016: 10).

Furthermore, sign languages were believed to have a limited possibility of expression. Before the start of the linguistic research in the 1950s, the cognitive knowledge of abstract concepts and the complete expression of feelings and thoughts were believed to be impossible for deaf signers due to the visual-gestural nature of sign language (Armstrong et al. 1995: 155, 176). However, the linguistic studies of the last decades clearly show that sign language is characterised by the same productivity and possibility of expression of verbal language. Signs allow their users to encode every possible concept, because the combinations of signs are not only infinite but also practical; therefore, sign language is used to discuss all the possible human domains; moreover, the set of signs can be constantly expanded thanks to the introduction of new symbols. This allows signers to depict those new entities (both physical and abstract) that they have the need to describe. For instance, the ASL sign MICROWAVE has been introduced recently (Sutton-Spence and Woll 1999; Ceil and Valli 2000).

Furthermore, signs are the result of the combination of smaller parts that can be identified and used creatively to form new meanings. While symbols in verbal language are composed of letters and sounds, sign language symbols are characterised by handshape, location, orientation and movement. These meaningless units can be recombined to create larger meaningful units, and groups of symbols can have more

than one function by changing a parameter of the sign. For instance the same sequence formed by the ASL sign HOME followed by the ASL sign YOU can be used as a request for information and also to ask a ride (Ceil and Valli 2000: 1-14). In addition, a sentence both in sign and in verbal language carries a pragmatic meaning: it is shaped by the context in which it is used, and therefore it can convey different meanings depending on external circumstances of use. This assumption has been demonstrated by linguists, who carried out research and analysing the expression of irony, humour and sarcasm in sign language (such as Sutton-Spence and Woll 1999). Other common features of sign and verbal languages that make them real human languages are the possibility to talk about past, present and future events and learn language varieties. As a matter of fact, sign language undergoes the same diachronic, diastractic and diamesic changes of verbal language (Ceil and Valli 2000: 1-14). Therefore, all things considered, it can be argued that signs combine together in such a complex way that enable their users to express themselves fully; this communication system is based on rules and it is characterised by a complete grammatical and semiotic structure that makes it a real human language.

Another key aspect that associates sign language to verbal language is the fact that it is intrinsic to its community of users. Each signing community shares a set of rules to communicate and employs a specific sign language that differs from the language of another community of signers and it embeds its culture and group's identity. For instance, ASL (American Sign Language) and BSL (British Sign Language) are bounded to the culture, identity and social relationships of their respective sign communities as much as American and British English are specific of their speaking communities (Ceil and Valli 2000: 1-14). Moreover, as it has been discussed above, Sutton-Spence and Woll (1999: 12) agree that human language is transmitted to future generations through the transmission of culture; this is also the case of recognised sign languages, which can be learned by new deaf babies only if the members of their community teach them the language and the culture related to it. Moreover, the human nature of sign language is also supported by the evidence of displacement and variety, that are two important features of language, as it has been described above (Sutton-Spence and Woll 1999: 9-12). In particular, as concerns the latter, sign languages undergo all the changes that verbal languages do. In other words,

it is characterised by diachronic, diastratic and diegetic transformations because it is related to its community of users and their culture. Therefore, when we look at sign languages from the sociolinguistic point of view (as it has been done with verbal language above), sign language varieties depend on age, gender, social class, ethnic group, religion and region. For instance, one of the most famous is Black ASL, that is a variety of ASL based on the ethnic group of its signers; another example are the differences in BSL signed British Catholic and in BSL of the British Protestants (Sutton Spence and Woll 1999: 9-12).

All things considered, it can be argued that sign language is a real human language because its features distinguish it from other artificial communication systems and they relate it to verbal languages. Moreover, each sign language belongs to and is influenced by its community of signers and their traditions; this belonging is another element that makes it real. Furthermore, sign language is not inferior to spoken language, because it can be used as a complete substitute for it and signs are structured in such a complex way that enable sign language to embeds the semantic and grammatical completeness of verbal language. Finally, another important aspect that makes sign language a real human language is the fact that it can be naturally acquired by children following the same process and steps of verbal language acquisition. Evidences of this can be found in the research carried out in the linguistic acquisition field, as it will be further discussed in the second section of this chapter.

1.1.3 Similarities and differences between verbal and sign language

As discussed in the previous section, signed and spoken languages share the same distinctive elements that define them as natural languages of the human being. In addition to all the similarities described above, sounds and signs also share some key aspects when combined to form sentences such as the least effort principle. This has to do with the process of changing the articulation of sounds in order to convey a clear message with the smallest possible articulatory effort (Napoli et al. 2014: 426). For instance, Armstrong et al. (1995: 8) reports that the combination of sounds in the word "spoon" influences the articulation of the single sounds: the word is pronounced with the rounded lips even though the pronunciation of /s/, /p/ and /n/ sounds are not

rounded when the sounds are produced alone. This example shows how much the units of verbal language change according to the surrounding environment in which the sound appears. Indeed, as Newton and Wells (2002: 276-277) report, the common processes of the so called connected speech are assimilation and elision. An example of assimilation in place of articulation can be found in "red-balloon", where the alveolar /d/ and /n/ sound in final word position is followed by the bilabial stop consonant /b. An example of elision is the modification of sounds in "old man", where the final /d/ sound is not pronounced. The same is true for sign language, as it is reported in the works of Brentari (2010) and Napoli et al. (2014). For instance, as Brentari (2010: 457-458) describes, in the segment FATHER DEAF, the ASL sign for the second word is produced close to where the other sign is made (that is the forehead), whereas in the segment MOTHER DEAF, the sign for DEAF is produced closer to where the sign for MOTHER is made (that is the chin).

Other important similarities between the two types has to do with the brain. Both languages are acquired and lateralized in the two hemispheres of the brain; dementia, aphasia and brain insult can cause the same linguistic pathologies in both speakers and signers; moreover, the acquisition of both languages happens with similar stages (Quinto-Pozos 2014: 8). However, they are also characterised by some traits that define them univocally as two different types of human language. To start with, the main difference between the two is the modality of communication. Indeed, while spoken language uses the auditory channel, signed language is conveyed through the visual-gestural channel (Chamberlain et al. 2000: 42). Moreover, researchers claim that the vocabulary in signed and spoken languages has two different structures and organisations in the human mind (Quinto-Pozos 2014: 9). In addition to these considerations, Kendon (2015: 42) reports that signers of one language cannot understand signers of another language and that this is also true for verbal languages. However, sign languages all share the same basic kinesics modality (for instance the representation of the movement of two items in space) and this aspect makes them more intelligible despite the luck of a common linguistic origin. Furthermore, the traits that constitute a sign occur at the same time when a sign is produced. On the contrary, the spoken utterances in verbal language are made up of a string of sounds that are produced one after the other (Armstrong et al. 1995: 176). For instance, when

the sign WOMAN in ASL is made, handshape, orientation, location and direction (that is all the elements that make up signs in sign language) combine and appear at the same time; whereas, when the word "woman" is pronounced, the single sounds that make up the word are pronounced in succession (Kendon 2015: 42-43).

Another distinctive feature has to do with body language. In spoken languages, kinesics such as hand movements or direction of gaze emphasises the meaning conveyed through the spoken utterance. On the contrary, in sign language, kinesics substitutes the speech completely, both in terms of meaning and in terms of grammatical structure (Kendon 2015). For instance, the difference in direction between the sentences "I give you" and "You give me" expresses not only the meaning but also the grammatical relationship between subject, verb and object. That is, in the first sentence, the verb GIVE is produced in front of the signer close to the chest and moves towards the receiver, whereas in the second sentence, the verb GIVE moves from the space in front of the singer to the signer's direction. Another example can be seen in the change in the hand movement from the sentence "I asked them" to "I asked each one of you" conveys the whole meaning of the respective spoken sentences: in the first sentence, the signer adds an arc after the verb ASK in order to refer to the group as a whole, whereas in the second sentence, the signer points the finger in front of himself towards the audience for three times after the performing the verb ASK (Brentari 2010: 175-181; Kendon: 2015: 43). Another important distinction between sign and verbal languages has to do with classifiers. Classifiers are "handshapes or patterns of action that stand for certain classes of entities and they may be used to show the behaviour of that entity or its position in space in relation to other entities" (Kendon 2015: 43). An example of this is the sentence "a boy fell from a tree", where one hand represents the boy, the other hand stands for the tree, and the movement describes the action (Brentari 2010: 252). Classifiers are not an element of spoken language, therefore, as Kendon (2015: 44) suggests, the common linguistic notions for spoken languages are not sufficient to describe the complexity of sign language.

Other differences between spoken and signed languages can be found at the level of morphology. As Brentani (2010: 468) states, in spoken languages, morphology consists in adding meaningful segments to an existing phonological environment. On

the contrary, in sign languages, morphology is created by modifying some of the features that constitute the sign.

1.1.4 Sign language and manual codes

As Armstrong et al. (1995: 6) argue, signs are not equivalent to simple gestures. Gestures are commonly used by both speakers and signers; they are part of kinesics, which is said to follow the rhythm and the meaning of speech (Kendon 2015). Armstrong et al. (1995: 6) report that gestures can be organised in four main levels; the criteria for the classification is the entity of the subjects in relation to the gesture they can understand. The first category is the primate level, which includes all gestures common to human beings and linked to their mammalian nature. An example for this category are gestures of threat, intimidation and submission. The second level is related to the knowledge of the world: a gesture can be understood whenever people have knowledge of the thing it refers to (for instance the sign for "gun"). The third level consists of the gestures that can be understood by every member of the society and are incomprehensible for an external speaker or signer. The fourth level refers to all the signs that only signers can comprehend and those that only speakers can understand; deaf and hearing people do not manage to communicate with each other when using these symbols in their interactions. Indeed, Kendon (2015) agrees that signs in signed languages are linguistic units that are organised in such a complex way that they substitute spoken language completely.

As concerns the relation between sign and verbal language, these are not linguistically and historically related. That is, the sign language of a community is not the signed version of the spoken language of their country, but rather it is an independent language (Sutton-Spence and Woll 1999: 22). For instance, BSL has a complete different structure from British English. Moreover, a sign language can be closer to other sign languages than to the verbal language of the speaking community of the country. This is the case of ASL, which is closer to French Sign Language (FSL) than to BSL and American English (Sutton-Spence and Woll 1999: 22). Furthermore, sign language is not a universal language. As shown by many researchers over the last decades such as Brentari (2010), there are many sign languages across the world that

are specific to a single community; however, they share some basic elements such as sign parameters and general signals for morphology. For instance, the three sign languages that have been taken into consideration for this dissertation are ASL (American Sign Language), BSL (British Sign Language) and NZSL (New Zealand Sign Language). These are three different sign languages that belong to three specific linguistic communities of deaf people but share some common linguistic features that will be analysed in the next section.

As it is true that sign language is not the signed version of a spoken language, it is also true that the signed version of the spoken language cannot be considered the same as the sign language of that country. In particular, as concerns the cases studies of this dissertation, that is sign language in the American, British and New Zealand society, the sign languages of these deaf communities (BSL, ASL and NZSL respectively) are not equivalent to Cued Speech, Signed English and Sign Supported English. As it is reported in Sutton-Spence and Woll (1999: 13-16), cued speech uses eight handshapes that are produced close to the mouth together with speech; the combination of lip movements and hand cues enables the receiver to understand the respective sounds. However, it is not made up of signs: the single handshapes are meaningless if they stand alone and the production of sentences relies completely on spoken English structure, grammar and semiotic. Signed English combines some BSL signs with spoken English; the grammar is taken from the verbal language and for this reason the production of complete utterances is slower than in BSL. In Sign Supported English, the core lexicon is signed according to BSL vocabulary while the person speaks, this means that the produced signs do not express any grammatical features, because this is conveyed through speech following the spoken English rules.

Moreover, while sign language is used primarily as a communication system, cued speech is rather employed to learn spoken English, Signed English is used successfully to teach the spoken English structure to deaf pupils and Sign Supported English is useful for hearing people who needs to communicate with a deaf person. In particular, because Sign Supported English can be acquired faster than proper sign language, it is mostly employed by hearing parents to interact with their born-deaf children (Sutton-Spence and Woll 1999). Another system that must not be mistaken for sign language is fingerspelling. Fingerspelling is an artificial communication tool

that cannot be associated with natural sign language. It is based on a signed alphabet, that is each written letter of spoken English is represented by a specific handshape (Armstrong et al. 1995: 16).

However, it must be noted that spoken English and the three visual languages described above have an influence on the sign languages of the English speaking countries. For instance, as reported by Sutton-Spence and Woll (1999: 17-20), fingerspelling is used in sign language when the sign for a new English word has not been invented yet, when signers wants to emphasise a concept, when there is the need to explain a regional sign that cannot be understood by the other signer, or when they need to spell personal names of people.

1.2. Sign language as a natural language

1.2.1 The acquisition of sign language

In the past, sign language was not considered a natural language for human beings: linguists sustained that the visual-gestural inputs did not lead to complete language acquisition process in deaf children, because vocal linguistic inputs were believed to be the only input that can favour language acquisition (Armstrong et al. 1995: 168). The concept of a human linguistic capacity was introduced by Noam Chomsky, father of the innatist theory of language. He argued that human beings are equipped with an innate mechanism that enables them to learn every natural language they are exposed to. The presence of this mechanism is said to be demonstrated by the fact that children are able to deduce grammatical rules (that is general phonological and morph syntactic rules) from the limited set of linguistic input that they receive and by the fact that they use them to create new linguistic output. According to Chomsky, this knowledge cannot be acquired only by reproducing the restricted linguistic input they hear, but rather it is acquired thanks to the presence of a primary consciousness and conceptualisation system which contains a universal grammar and enables the evolution of language as a whole (Armstrong et al. 1995: 170-171; Lightbown and Spada 2013). Together with these assumptions, which have not been totally confirmed nor rejected by the linguistic community, the modality in which language was believed

to be naturally acquired by human beings was the spoken one. On the contrary, the visual gestural modality of sign language was said to delay language acquisition (Meier 2016: 2). However, there is no scientific evidence of this assumption. Armstrong et. al. (1995: 168) argue that, as concerns the development of syntax in language acquisition process, sounds are not enough for the brain to establish a syntactic connection between two linguistic units, because "syntax consists of patterns discernible in language, and it is formed in the brain by global mappings that correlate one kind of concept - "something acting" - with another kind of concept - "does so and so" (Armstrong et al. 1995: 169). In other words, although it is true that the pronunciation of the words that have been previously heard and the production of new words are part of an ability that distinguish human language from animals' forms of communication (as discussed in the previous section of this chapter), lexicon alone does not make the communication system a human language, because the relations are expressed through syntax, which is an essential component of language, and syntax cannot be acquire by simply imitating the linguistic input one is exposed to. Therefore, spoken linguistic sounds alone are not the only element that allow language to develop in the human brain. Indeed, sign languages are characterised by syntax as well, which is expressed through hand movements and changes in location, direction and facial expressions, as Brentari (2010) describes.

Furthermore, another evidence of the fact that visual-gestural modality of sign language leads to the acquisition of a real natural human language comes from recent studies in language acquisition (such as Petitto 1992, Chamberlain et al. 2000, Emmorey 2002). They have shown that language development in deaf children follows the same pattern and timing of acquisition as verbal languages (Siple 1978: 14; Meier 2016: 5). In other words, the same phases of first language acquisition can be found both in signed and spoken languages and the entire acquisition process lasts for the same time period as that for in verbal languages (Armstrong et al. 1995: 123). It is important to underline that, in order to draw this conclusion about the comparison between the two language acquisition processes, studies such as those reported by Chamberlain et al. (2000: 3) have looked at those pupils that live in the same environmental conditions, that is they compared the language acquisition of hearing

children growing up in a hearing environment from birth with that of deaf children born of deaf parents and therefore exposed to sign language from an early age.

As Singleton and Ryan (2004: 60) report, the acquisition of language starts from birth. As researchers such as Chamberlain et al. (2000: 45), Singleton and Ryan (2004: 35) and Lightbown and Spada (2013) argue, hearing children are reported to start developing phonology through vocal play and babbling during the first 12 months. They utter some words, including holophrastic ones, during their first year; by the age of two, they use words to produce telegraphic sentences, that is they do not simply juxtapose words, but rather they connect them following the word order they hear but without using function words. Then, they progressively acquire grammar notions by the age of four but they keep making errors and learn how to master grammar until the age of six. As concerns sign language acquisition, linguistic studies on sign language have demonstrated that the acquisition process in deaf and hearing children exposed to sign language input from birth is the same as that of hearing children exposed to verbal language from birth in terms of stages and time period. In particular, during the first 12 months, they go through a manual babbling phase; when compared with hearing children's production, both the manual and vocal babbling phases. These two are respectively characterised by the production of gestures and sounds that can be considered linguistic units because they are different from other prelingually hand-movements in both deaf and hearing children also in terms of rhythm and syllabic organisation (Chamberlain et al. 2000: 45). After this stage, signing children start producing their first proper signs from the age of one onwards; they combine signs in telegraphic sentences by the age of two and they acquire sign language grammar by the age of four. Moreover, as happens for speaking children, grammar errors in handshapes are recurrent in five and six year-old signing children as well (Meier 2016: 2-4).

In relations to phonology, both speaking and signing children need time to master their respective language phonetics and phonology: both sounds and signs have different degree of complexity and they are acquired at different stages of language acquisition through systematic mistakes. An example for verbal language is the difficulty of mastering the English consonant sound /r/, whereas as concerns sign

language, errors in sign phonology occur when the sign is complex and children produce a simpler handshape (Siple 1978: 16; Meier 2016: 3).

Furthermore, the pattern has been found to be similar not only in terms of steps, but also in terms of the development of meaning and concepts. Lightbown and Spada (2013) state that the language acquisition and use develop together with the development of children's cognitive abilities: they learn how to express concepts that they already have (for instance they learn how to express the concepts of singular and plural) and they learn how to master some linguistic elements when they understand the concept they convey (for instance, children start using temporal adverbs after they interiorise the concept of time flow). As concerns sign language, the cognitive development of semantics that can be analysed throughout the linguistic production process is the same in both hearing and deaf children (Miceli 2012: 29). These findings are important for the recognition of sign language as a natural human language. Indeed, it can be argued that the similarities in the two language acquisition processes demonstrate that sign language activates the same part of the brain that acquires verbal languages and therefore that sign language is another natural human language that differs from verbal language in terms of modality (visual-gestural vs spoken).

In addition to this, as Chamberlain et al. (2000) report, recent neuro linguistic findings show that the human ability to learn and use a language does not depend on the modality in which this language is transmitted. These further evidences of the fact that the acquisition of signed and spoken languages is similar in brain activity are reported by Emmorey et al. (2002: 812) and by MacSweeney et al. (2008). The former cite research which shows that linguistic dysfunctions (such as aphasia) in both sign and spoken languages are caused by damage to the same area of the human brain. MacSweeney et al. (2008) conducted a study based on neuro images. The study compared hearing adults with born-deaf adults, both native and non-native signers. The findings showed that a similar neural system is at the base of the phonological processing in both groups. Indeed, both deaf and hearing people activate the left-lateralized frontoparietal lobe of the brain when it comes to phonological processing. The study also showed that the activation happens with some differences between deaf and hearing people depending on language modality (spoken/signed), age of acquisition (native/non-native) and hearing status (stone deaf/hard of hearing).

Therefore, researchers concluded that the modality in which a language is expressed (acoustic or visual) has little impact on the neural system that fosters language acquisition and production in the human brain. Moreover, this findings also support the innatist idea that all human beings are said to have a genetic component, that is a common mechanism, that recognises the distributional pattern and structural regularities that are proper to natural languages (Lightbown and Spada 2013).

Furthermore, another important study reported by Chamberlain et al. (2000) has shown that children brought up in a bilingual context, that is hearing children from deaf parents exposed to both verbal and sign languages, do not prefer the acoustic modality to the visual gestural one, but rather learn both languages as bilingual hearing children. Moreover, not only deaf but also hearing children brought up in a signing environment do not show any mental or cognitive dysfunction. Therefore, it can be argued that the common misbelief that speech and sounds are crucial for the linguistic and cognitive development of children has been finally rejected and "there appears to be a stunning, biologically based equipotentiality of the two modalities - be it spoken or signed - to receive and produce natural language" (Chamberlain et al. 2000). In addition to these considerations, Sacks (1989: 55) argues that born deaf children have little inclination towards verbal language acquisition, whereas they find it easier to learn sign language. In other words, while they need to be taught how to speak, they have a major disposition to acquire sign language because the stimuli are directly available for them through the visual channel.

Although modality, whether spoken or visual-gestural, does not influence the linguistic development, it is also important to underline that modality in itself has some constraints that create some differences between sign and verbal language acquisition. Siple (1978: 15) and Meier (2016: 6-7) report that the production of a sign takes longer time than the pronunciation of a word. This is due to the articulatory constraints and to the fact that the production of sign involves the combination of more elements (handshape, location, palm orientation, movement and facial expression) that the child need time to master. However, this specific feature of sign language is said not to have any impact on memory during communication. In other words, the utterance length in sign language is not reduced compared to that in spoken language, because the process of memory and rehearsal of language in deaf brains are

not influenced negatively by signing production. According to Meier (2016: 6-7), another significant difference due to modality has to do with the fact that the visual-gestural nature of signs forces the child to make a spatial transformation in order to produce the sign correctly. For instance, the ASL sign for TUESDAY and TOILET share the same handshape and location, but differ in orientation (in the former, the signer's palm faces the signer's chest, whereas in the latter it is the contrary) and movement. Therefore, when the child sees and repeats TUESDAY, they see the back of the signer's hand but they must produce the sign so that what they see their own palm. This intermediate passage is not needed when hearing children repeat a vocal input.

1.2.2 The importance of early exposure

Another similarity between verbal and sign language acquisition processes is linked to the critical period of language acquisition. As Singleton and Ryan (2004) and Lightbown and Spada (2013) report, the Critical Period Hypothesis is the assumption that language can be acquired only in specific periods of time that is from two to four years old. Although many studies have shown that the acquisition process starts from birth, as discussed above, and that language can be acquired also in adolescence and adulthood (Singleton and Ryan 2004: 60). It can also be argued that early exposure to the first language enables speakers to master language better than those speakers who start a late language acquisition process do (Singleton and Ryan 2004: 43). Evidence in favour of this assumption comes from the studies of language development in Victor and Genie, two children who were not exposed to language until the late childhood. As Lightbown and Spada (2013) and Meier (2016) report, these children managed to acquire some vocabulary knowledge, but they had difficulties in using morph syntactic structures.

As concerns sign language, Lightbown and Spada (2013) state Newport's study (1990) on language ability of native signers (deaf people exposed to ASL from birth), early signers (people exposed to ASL at the ages of four to six) and late signers (who learned ASL after the age of twelve). These three groups were found to have the same knowledge of vocabulary and all made few mistakes in word order. However, the third

group had the most difficulties in morph syntactic structures compared to the other two groups, while the second group was found to make fewer mistakes than late signers but their morph syntactic knowledge was not as developed as that of the native signers group. Therefore, as Meier (2016: 14-15) argues, early exposure to sign language is important for the full development of linguistic capacity.

Furthermore, MacSweeney et al. (2008) and Meier (2016) report findings of other research which showed that the acquisition of language from birth, whether verbal or sign language, has a huge impact on the acquisition of a second language as well. Deaf native signers who use sign language as their first language acquired from birth and spoken English as their second language were found to be more proficient in spoken English than deaf signers who acquired sign language as their first language in late childhood or adolescence. In conclusion, it can be argued that learning a natural language at an early age is fundamental, whether it is spoken or signed (Meier 2016: 15).

MacSweeney et al. (2008) also report another important findings that has to do with the age of language acquisition: deaf children who do not acquire sign language from birth have a less developed neural system that allows the language acquisition process. This implies that children do not have access to their first language and this have an impact on their cognitive development.

As Armstrong et al. (1995: 149) state, "language is a component of mind". Indeed, today it is well established that language is crucial for the development of concepts and consciousness thanks to many studies in the field of language acquisition and theory of mind, such as Jenkins and Astington 1996, Cutting and Dunn 1999, Hughes and Dunn 1997 (Hale and Tager-Flusberg 2003). Taking all the previous assumptions into consideration, because sign language is a real natural human language, it can be argued that the lack of exposure of deaf children to sign language in the early stages strongly affects cognitive development in deaf children. Evidence of the correlation between language acquisition and cognitive development in deaf people appears in the study carried out by Schick et al. (2007: 390-393), who argue that the presence of language plays a central role in reasoning. The study compared deaf children born of deaf parents (DoD) with deaf children of hearing parents (DoH). The former had been exposed to sign language since an early age because their parents

were native signers, whereas the latter grew up in a hearing environment and therefore had few linguistic stimuli in the early stages and acquired sign language later in life. The study shows the presence of a delay in language proficiency and a delay in cognitive reasoning about false beliefs and states in deaf children born of hearing parents that grew up either using spoken or sign language. On the contrary, as Schick et al. (2007: 390-393) state, the research showed that deaf children of deaf parents had the same cognitive conditions as of hearing children exposed to verbal language from birth. Therefore, it can be argued that the age in which the acquisition process is carried out matters. Another important conclusion that has been drawn thanks to this study is that mental delay in the theory of mind is not due to deafness but rather to the lack of exposure to natural language from birth. Therefore, all things considered, it can also be argued that deaf children who are exposed only to spoken language have difficulties in developing the linguistic competence that is necessary to carry out reasoning when compared to hearing children's abilities (Schick et al. 2007: 390-393; Meier 2016: 15).

Sacks (1989) and Armstrong et al. (1995) support the assumption that sign language is crucial to the mental development of deaf children; in addition, they underline the importance of learning sign language as first language in order to increase not only their mental but also their social abilities. Indeed, "language is both physiological, the function of a highly developed brain and body, and social, a function of a human as a group" (Armstrong et al. 1995: 151). Sacks (1989: 33), Spolsky (1998) and Kramsch (2001) claim that, because language and thought are strictly connected and language and society are bounded, it is implied that language, thought and society shape and enrich one another. This is proven by the conditions of prelingually deaf people who have no access to natural language. Human beings acquire knowledge and information about the world also thanks to the interaction with other human beings (Sacks 1989: 33). Sacks (1989: 29) states that the late acquisition of the first language also prevents deaf children from receiving and exchanging information with the other people and therefore deaf children may have less common knowledge of the world even though they possess all the required mental abilities. He reports observations on deaf children who had no access to sign language and no or little access to verbal language as well (that is, they did not acquire a first language

properly). These children had many difficulties in speaking and reading: they had less access to the information about the world that could have been learned in books or thanks to the interaction in society and they were described as dumb by their classmates and teachers (dumb was also the name used to identify deaf people in the past). Moreover, the exposure to first language after the critical period of language acquisition does not favour reading skills: deaf children read more slowly and they find it difficult to catch and remember written information that other children acquire by chatting or by reading for leisure (Sacks 1989: 33). Therefore, it can be argued that for prelingually deaf people, sign language is fundamental for their dignity and development, because they cannot use and benefit from their intelligence without language (Sacks 1989: 42).

In addition to this, Armstrong et al. (1995: 171) state that words are connected with things and events and this enable human beings to recognise them and remember them. The process of naming characterise human brain functions and allows the development of concepts in a more complex way than simple gestures of the primitives that was referred to a concept. Furthermore, studies in brain functioning have shown that the presence of words is another distinctive features of human language compared to other animals' form of communication. Words activate memory and then become inner words; these inner words set up neural connections and activate imagination. Therefore, language and thoughts are strictly connected and the first is crucial to the development of the second (Armstrong et al. 1995: 172). It is important to underline that human beings are able to think before they acquire language and that language and thought have two different biological origins in the brain. However, although it may be true that human beings have a mind even without knowing a language, research have shown that intelligence capabilities may be restricted due to the lack of language. Indeed, language gives the possibility to grasp the abstract and symbolic dimension of things, to give names and to generalise concepts. The ability to make generalisations about the world and give names enables the human being to think, to see the abstract relations between things and to have a perception of the world that is different from the sensoric one (Sacks 1989: 65-74). All things considered, it can be argued that because sign language is a natural language and because the lack of language acquisition may lead to cognitive delay and restricted intelligence, born deaf

people need to have access to the natural language that they are more inclined to learn. Therefore, it can be concluded that there is the urgent need to give them the possibility to be exposed to sign language from the early age (Meier 2016: 14.15).

Another important aspect of language acquisition is the linguistic input. As Sacks (1989: 89) argues, language cannot be acquired without a stimulus. In other words, the natural capacity to learn a language works if someone interacts with the child and gives them linguistic stimuli. The connection between parent and child is also established through language and therefore born deaf children who cannot communicate with their hearing parents may also be affected by emotive as well as linguistic and intellectual problems. This is another negative consequence of the lack of language exposure that points to the need for deaf children to come into contact with deaf signers and be exposed to sign language from birth (Sacks 1989: 89 - 96). In conclusion, it can be argued that sign language is at the core of the deaf human nature and that the access to sign language as a first language is crucial to the development of deaf people as full human beings. Indeed, as Sacks (1989: 102-103) writes:

> the starting point is the dialogue, the external and social language; however, we need to pass to the interior monologue and dialogue to think and to become ourselves (...). True language and our true identity can be found in the inner dialogue that constitute the mental flows of meanings. Only thanks to the interior monologue, the child can develop their own concepts and meanings and conquer their identity.

1.3 Introduction to sign language linguistics

As the works of many linguistics (see for instance Brentari 2010; Sandler and Lillo-Martin 2006) show, there is not a universal sign language but rather many sign languages, each used by a specific community. However, sign languages across the world share some common characteristics. These features belong to the main linguistic categories that are used to study verbal languages: phonology, morphology and syntax. It is important to underline that sign language linguistics is a relatively young field of research and therefore the academic community need more studies in order to provide a fair and complete description of sign languages. This new branch of linguistics was born in the 1950s thanks to the work of William Stokoe. He was the

first to analyse the sign language of the American deaf community at Gallaudet University and provided a description of sign language phonology and morphology (Sutton-Spence and Woll 1999: 154); he broke down signs in parameters and he found a system to describe them. Thanks to Stokoe's work which revealed the rule-based linguistic nature of sign languages, more research has been conducted until today (Maher 1996: 68).

Phonology in sign language linguistics refers to the study of sign structure, which has to do with the identification of the small units that make up signs and prosody. Research in this field has shown that, despite the difference in modality between signed and spoken languages, both signs and words are characterised by the same level of structure (Sutton-Spence and Woll 1999: 154) and therefore it can be argued that the linguistic units of sign languages are the signs. Signs are made up of smaller parts that can be combined into different ways to form different signs and meanings. As Brentari (2010: 284) argues, all signs can be broken down in four main parameters, which constrain sign formation and that are meaningless if produced alone. These four parameters are handshape, movement, location and orientation. The first three were discovered by William Stokoe in the 1950s, whereas the fourth was identified by other researchers (Sutton-Spence and Woll 1999: 154-155). As concerns movement, all signs are produced by either moving the elbow or the shoulders (the so-called path movements) or by moving fingers, joints and wrist (local movements) (Brentari 1998: 4). The parameter of location is the place of articulation of the sign. For instance, the sign UNDERSTAND in BSL is produced at the forehead (Brentari 1998: 5). The parameter of orientation refers to the orientation of the palm; the handshape is the configuration of the hand that constitutes the starting base for the sign structure (Stokoe 2005: 22). All these parameters are produced on the hand, but there is another element that contributes to the formation of signs that is not located on the signers' hand: the fifth parameter is facial expression, which is called a non-manual sign for this reason. A change in at least one of these five parameters conveys a different meaning, and therefore denotes a different sign. For instance, in BSL the signs meaning AFTERNOON and NAME differ in only one element, that is location, while they share the same handshape, movement, orientation and facial expressions (Sutton-Spence and Woll 1999: 155); in ASL, the signs HAPPY and COMPLAINT

have the location in common. An example of the relevance of facial expression as sign parameter can be seen in the ASL sign for NOT-YET, which is produced with the open mouth and the tongue a bit out (Ceil and Valli 2000: 21).

Signs are produced in a limited three-dimensional space. The signing space is the window of space in front of the signer's chest between the waist and the forehead (Emmorey et al. 2002: 812). They can be classified in various types. The three main categories are one-handed signs, two-handed signs and fingerspelling (Brentari 1998: 4). One-handed signs are produced with the dominant hand, which can touch other parts of the body (e.g. WOMAN in BSL) or not (e.g.: WHAT in BSL) (Sutton-Spence and Woll 1999: 160). Two-handed signs are produced with both hands; the non-dominant hand can perform the same actions as the dominant hand or it can stand for the location for the main movement (Sutton-Spence and Woll 1999: 160-161). Fingerspelling is made up of symbols, which have a one-to-one relationship with the letter of the English alphabet and it is used for many different purposes, such as to borrow lexicon from the spoken language when a sign does not exist or to emphasise a concept (Brentari 1998: 10).

It is important to note that signs can be modified. The variation is mainly do to grammatical constraints, but the phonological environment (that is the signs that surrounds the studied sign) plays a role as well. For instance, it is reported that the sign for DEAF changes in one parameter depending on whether it is followed by FATHER or MOTHER signs (Brentari 2010: 462). As concerns non-manual signs, these can be classified in two categories: non-manual signs with linguistic function and affective markers. The first are those that carry a morphological and phonological meaning, that is they have a grammatical function and are a parameter of the produced sign. Affective markers are those facial expressions that are part of the human kinesics, accompany speech and are shared with the spoken community (such as facial expressions that convey disgust or surprise) (Brentari 2010: 381).

The research field in morphology studies both inflectional and derivational morphology. The first has to do with the signal functioning that creates verb agreements and number agreements, verbal aspects and plurals; the second refers to morphemes, compounds, classifiers and lexical borrowings. In general, Brentari (2010: 468) argues that morphology is shown through modification in one or more

parameters that constitute the sign. As concerns verb agreement, this is signalised by the signs themselves. For instance Brentari (2010: 177) demonstrates that most verbs in sign languages show agreement by changing orientation, direction of the movement and location or through eye gaze and head tilt. Furthermore, sign languages also develop functional markers. An example of this is given by Brentari (2010: 204), who describes the use of grammatical morphemes to signalise the verbal aspect in ASL. The sign FINISH can be used as a main verb when it is followed by a noun or a verbal phrase (for instance MUST FINISH ALL BEFORE SUNSET and JOHN FINISH READ BOOK); it can be used as a perfect marker when it is place before the main verb (such as in the sentence STUDENT UP-TO-NOW FINISH REAS HOW-MANY BOOK) and it can also be employed with the meaning of "already" as in the sentence FINISH EXHAUSTED which can be translated as "we were already exhausted" (Brentari 2010: 204-205). Another important shared feature of sign languages is the presence of classifiers. Classifiers are handshapes that stand for a class of objects. For instance, the general sign for VEHICLE in ASL represent cars, boats and bicycles; the handshape is the same for all three vehicles and what distinguish one from the other is the difference in movement, location or orientation (Ceil and Valli 2000: 79).

Research in the field of syntax in sign languages explores clause structures such as declarative and WH-questions, and pronouns and negation. In particular, the sign order is crucial, because it expresses and is constrained by syntactic rules as word order in verbal language is. However, the word order in each sign language must not be taken for granted and more research is needed in order to understand better how word order works in each sign language. Indeed, many sign languages do not follow the same syntactic rules as the verbal language spoken in that country and show some degree of flexibility. For instance, BSL does not have a preferred word order; moreover, the syntactic rules are different from spoken English and this means that the two languages cannot overlap in speech (Sutton-Spence and Woll 1999: 50-51). For instance, BSL sometimes does not specify the pronoun "I" when in subject position and the word order varies according to the topic of the sentence and the information conveyed through the signed verb (Sutton-Spence and Woll 1999: 58-62).

Another important object of study in sign linguistics is variation. As has already been argued in the previous sections, sign language undergoes the same linguistic

variation of spoken languages, such as diachronic, diastratic and diegetic changes. As Brentari (2010: 457) argues, changes can be identified at a level of individual segments and syllables; moreover, sign language can be characterised by lexical variation, syntactic variation and discourse unit variation. Variation can be caused by internal and external constraints. As concerns the former, the main internal factors of variation are compositional constraints (change in the sign parameters) sequential constraints (the phonological environment that precedes and follows the sign, that is a parameters of the previous or following sign), functional constraints (that is the grammatical category of the sign and its role), structural constraints (the syntax of the whole sentence in which the sign is embedded) and pragmatic constraints (Brentari 2010: 458). An example of sequential constraints can be found when the segment of the second sign is the same as the last segment of the first sign; this can modify the second sign in order to make the sentence production more fluent. Another example of variation can be the change from two-handed to one-handed sign, as described by Brentari (2010: 457).

However, the main factor of variation is the grammatical category of the sign over the location of the preceding sign or the formality of the context (Brentari 2010: 461). External factors that contribute to linguistic variation are gender, region, age, social class and ethnicity (Brentari 2010: 466). For instance, as Sutton-Spence and Woll (1999: 23-27) report, the generational differences in BSL is important. This is due to the fact that most of deaf children are born in a hearing environment and therefore they do not acquire sign language from older people. Moreover, the change in the education system has a great influence as well: older people use more fingerspelling than young signers do because fingerspelling and lip-reading were the main teaching tool for deaf people in the past, whereas nowadays there is more tolerance to the use of sign language in class. Furthermore, changes are also due to the adaptation process of sign language to new technology as it is happening for BSL. Variation happens mainly at a level of sentence structure (that is younger generations tend to follow more the English grammar), in the use of fingerspelling (older generations are said to use more fingerspelling than younger deaf people) and in sign referents (the two generations may use different signs to convey the same meaning) (Sutton-Spence and Woll 1999: 24-25; Brentari 2010: 488).

As concerns gender variation, this happens mainly due to education. Sutton-Spence and Woll (1999: 27) argue that the main differences can be analysed in those sign languages whose signers have been educated separately in the past centuries. For instance, they report that Irish Sign Language has more gender-based variation than BSL because boys and girls were educated separately. Regional varieties are common as well. For instance, BSL signers from different UK regions may employ lexical differences to convey the same meaning, for instance colours and days of the week (Sutton-Spence and Woll 1999: 29). Another example is Australian Sign Language, which has two main varieties, the northern and the southern variety (Brentari 2010: 488), whereas an example of the regional variation of ASL is the sign language used by Canadian deaf signers, which has been influenced by BSL (Brentari 2010: 487). Furthermore, studies have shown varieties of the same sign language linked to the religious and/or ethnic group to which the signers belong. One of the most famous varieties of ASL is Black ASL, that is the American Sign Language used by black people (Brentari 2010: 472); in New Zealand, sign language vocabulary shows some influence of the Maori sign language (Brentari 2010: 493). On the contrary, in the UK there is little evidence of ethnic linguistic variety because segregation has been a relatively minor issue compared to other countries (Brentari 2010: 493). Instead, variation of BSL have more religious roots. As Sutton-Spence and Woll (1999: 28) report, Deaf British Catholics have been influenced by Irish Sign Language and therefore sign differently from deaf British Protestants. This is due to the fact that the former may have been educated by Irish Catholic people who used their own sign language. Another example of this type of variation can be seen in the influence of Israeli Sign Language in deaf Jewish British signers.

The description of sign linguistics provided in this section is just a brief overview of the most important aspects that characterise sign languages and that enable researchers to classify them as real natural languages at the same level as spoken languages. However, it is important to underline that sign linguistics is a broader field of study and has not been fully explored in this section because it is not the main focus of this dissertation. More detailed descriptions of sign language linguistics can be found in dedicated books such as Brentari (1998), Brentari (2010), Ceil and Valli (2000) and Stokoe's works.

CHAPTER TWO – THE DEAF WORLD

The second chapter will describe deaf people and the Deaf communities. It will provide information about the categories of people belonging to this heterogeneous group and about Deaf community membership and culture. Furthermore, it will focus on deafness and on the difference between the medical and the cultural perspectives related to it. The final section of this chapter will provide information on the history and education of the Deaf communities.

2.1 Deaf people and the Deaf community

Deaf communities are groups of people who have the same identity but not necessarily the same mother tongue. This is due to the different degree of sign language knowledge among Deaf signers (Parasnis 1998: 8), which depends on their clinical conditions, the age of language exposure and their education. As Sacks (1989: 24) describes, there are different degrees of deafness that must not be taken for granted, because they shape deaf people's perception. Hard of hearing are those people who have lost most of their hearing but they can still hear sounds and usually use hearing aids. Severely deaf people are those who lost their hearing due to an illness or a genetic problem; however, they can still hear sounds thanks to cochlear implants. Stone deaf people are born deaf people who never experienced sounds. Furthermore, the clinical condition of deafness is relevant also in terms of language. As Sacks (1989: 25-26) reports, deaf people can be divided into two main categories depending on the age of their hearing loss, that are prelingually and postlingually deaf. The main difference is that postlingually deaf are people who lost their hearing after having acquired a spoken language whereas prelingually deaf have never experienced sounds. Consequently, the first group acquired a language and remember sounds, whereas the second group has no access to natural language unless they have been exposed to sign language from birth.

Neves (2008: 129) divides this heterogeneous group into three main different categories: the deaf, whose mother tongue is the verbal language of the country; the Deaf, who belong to a linguistic and cultural minority group (the Deaf community)

with their own language (that is sign language); the hard of hearing, who use the verbal language as their mother tongue and lost their hearing later in life but can still hear some sounds. Their clinical conditions reveal that they experience sound and language in different ways. For example, born-deaf people usually learn the verbal language of their country at school, but they read slowly. On the other hand, those who lost their hearing after having acquired the verbal language can read faster because the verbal language is their mother tongue. Other consequences of the differences in clinical conditions is the comprehension of language. Indeed, the postlingually deaf people find written language easy to read because it is in their first language, whereas prelingually deaf people either were taught verbal language later in life when they went at school or their mother tongue is sign language. Therefore, their reading skills and their comprehension of meanings conveyed through the written language depend on how much deep is their knowledge of the verbal language from the point of view of the vocabulary and grammar (Neves 2009: 155-156, 158). Furthermore, their clinical condition also shapes their attitude towards deafness and the Deaf community. Ladd (2003) and Batterbury et al. (2007: 2090) state that partially deaf people are usually integrated in the mainstream education system of hearing children thanks to the development of hearing aids; they are shaped by Oralism (that is the idea that sign language must be banned from social life and education) and by the concept of deafness as a mere disabling medical condition. For these reasons, they want to be part of the majority group and not been identified primarily as members of the Deaf community. On the contrary, stone deaf people who are exposed to sign language from birth and are part of the Deaf community have a complete different view of deafness. They do not feel ashamed of their audiological condition, but rather proud of being Deaf.

Nevertheless, being part of a community is important. As De Benoist (2005: 32) argues, the individual has the possibility to recognise himself/herself and form his/her identity if they are part of a community. This is possible thanks to the fact that belonging to a community fosters the sharing of common beliefs and meanings; moreover, the individual can communicate with the other and therefore be recognised. As concerns the Deaf community, Kyle et al. (1988: 6) argue that the characteristic of deaf people that is often taken as the distinguishing feature of this group is deafness.

Deafness is often seen as a pathological condition that causes the lack of mental and communication skills. However, this definition is not true for deaf people who are part of a Deaf community. Indeed, the Deaf community is the community of the deaf people who learned sign language from birth; therefore, they perceive deafness as a marker of identity and they give a cultural meaning to their visual-gestural form of communication. This is due to the fact that Deaf communities are the place where deaf and hard of hearing people find other people with whom they can share a common language, values and culture. Consequently, the main feature that determines who is a member of the community "is probably in the concept of "attitudinal deafness" whereby the individual expresses himself/herself though identification with a group with whom communication is shared (Kyle et al. 1988: 6). Again, language seems to play an important role in shaping identity and community membership. As Hogan-Brun and Wolff (2003: 67) state, language enables the individual to become aware of themselves thanks to the communication and comparison with the other. Therefore, sign language is a distinguishing and core feature of Deaf communities. Ladd (2003) states that membership to the Deaf community can be obtained in many ways. At the core, there is the sharing of the same sign language, Deaf culture and beliefs. Deaf people usually become part of the community if they are born to Deaf parents; other members are those who attended deaf educational institutions.

Moreover, hearing children of Deaf parents can be partial members of the community as well, depending on their degree of knowledge of the Deaf world. Kyle et al. (1988: 5) agree and explain that the label “Deaf community” stands for a specific group of people that is separated from the hearing community. Indeed, not all deaf and hard of hearing people feel part of the Deaf Community and many of them choose to identify themselves with the hearing world. Therefore, it can be argued that, although deafness is a distinguishing feature of deaf people, this marker cannot be taken as the only factor that determines the belonging to a Deaf community (Kyle et al. 1988: 8). As Hogan-Brun; Wolff (2003: 8) state, language is linked to culture and is regarded as a determining feature of an ethnic group that shares a common identity; this is also true for Deaf people, who see themselves not only as deaf but also as signers. An example of this can be found in the British Deaf community, which has become more active in the last decades in achieving political and linguistic recognition

as a minority group since BSL is considered to be their core characteristic as a community in the UK (Hogan-Brun and Wolff 2003: 13). Moreover, it can be argued that the Deaf community is a very specific group of people that share not only the clinical condition (that is deafness) and the same language (that is sign language), but also the same worldview, culture and willingness to participate actively in the community social life (Kyle et al. 1988: 8).

Another important feature of the Deaf community is its organisation into social classes. As Kyle (et al. 1988: 8-9) and Sutton-Spence and Woll (1999: 23) argue, the main distinction depends on the family background. Deaf people that are members of deaf families are part of the "high class" in Deaf communities. This is due to the fact that they have been exposed to sign language from an early age; therefore their mother-tongue is sign language and they are more fluent. Moreover, these people grew up in a deaf environment and they do not perceive themselves as impaired because of their deafness; on the contrary, they developed higher self-esteem as deaf people, because they feel pride in their sign language. Furthermore, since only 10% of the deaf are born of deaf parents, these families form a sort of elite and are central members in Deaf communities. On the contrary, deaf children of hearing parents and hard of hearing people tend to be part of the hearing community as well; moreover, they may acquire sign language later in life. Therefore they may be less fluent and sign differently from deaf people coming from deaf families. This collocates them in a lower position in the Deaf community.

Deaf communities are internally organised and they are usually geographically concentrated. Deaf clubs were founded in order to gather together the Deaf people who did not live close to Deaf communities. The majority date back to the 19th century and they are used as meeting place for many social activities (sports, youth and seniors' activities and so forth); moreover, the presence of different generations in these clubs favour the transmission of Deaf culture and language. Furthermore, Deaf communities have founded some national organisations in each state where they are present and active. For instance, the American national organization is called the National Association of the Deaf (NAD) and it was founded in 1880; the British one is called British Deaf Association (BDA) and it dates back to 1890. Although poorly founded, the international organisations are famous and important as well. The World

Federation of the Deaf (WFD) was established in 1951 and its headquarter is in Scandinavia; it is the consultation body for Deaf matters at the United Nations and thanks to this organisation Deaf communities became more visible and their claims have been discussed at an international level. As concerns the European Union, the European Union for the Deaf (EUD) was founded in 1985 and helped the recognition of sign language in some European states (Ladd 2003: 65).

The history of Deaf communities is characterised by discrimination and misconceptions. In recent decades, Deaf communities have become more active in order to obtain legal recognition of some sort as a linguistic minorities. For instance, Brentari (2010: 477) reports that Deaf communities in New Zealand have been cohesive and active since a very long time, whereas in the UK, British Deaf communities have been pushing for legal recognition of their community only in the last decade (Hogan-Brun and Wolff 2003: 13). The difference between American, British and New Zealand Deaf community are due to historical, cultural and sociolinguistic aspects, which will be further analysed in the fourth chapter of this dissertation.

2.2 Deafness

The most distinctive features of d/Deaf people is deafness. Deafness is at the core of Deaf studies and Deaf identity, and the different ways of conceptualising it change the perspective on the Deaf themselves. Two main approaches to deafness can be outlined: deafness as disability and deafness as cultural element.
As reported in the World Health Organisation website,

> Deafness means complete loss of the ability to hear from one or both ears; this is profound hearing impairment, 81 dB or greater hearing threshold, averaged at frequencies 0.5, 1, 2, 4 kHz.
> Hearing impairment means complete or partial loss of the ability to hear from one or both ears; this is mild or worse hearing impairment, 26 dB or greater hearing threshold, averaged at frequencies 0.5, 1, 2, 4 kHz.
> Disabling hearing impairment means moderate or worse hearing impairment in the better ear; that is the permanent unaided hearing threshold level for the better ear of 41 or 31 dB or greater in age over 14 or under 15 years respectively, averaged at frequencies 0.5, 1, 2, 4 kHz.

Hearing loss may be mild, moderate, severe, or profound. It can affect one ear or both ears[1].

Therefore, from a medical and scientific point of view, deafness is a biological dysfunction (Cooper 2007: 569) which has serious visible consequences on the deaf people's life in the hearing society. For instance, they find difficult to access schools and university and to find jobs in the hearing society (Lane 2005: 296; Sparrow 2005: 137). Moreover, the majority of hearing people consider deafness to be a bad thing, because they relate it to the feeling of loss that they experience when they lose their hearing. However, as Cooper (2007: 568) and Neves (2008) report, the experience of sound and silence between congenitally deaf and hard of hearing people is different. Born deaf people have never experienced sound and therefore do not live deafness as a loss or impairment. Sparrow (2005: 138) affirms that this definition of deafness is due to the common idea of normality. He argues that deafness, as many other variations of the human body, is mainly considered a negative version of the idealised perfection. This concept of normality comes from the fact that the majority of human beings have five senses, including hearing, which shape their experience and knowledge of the world. Consequently, the loss of hearing needs to be fixed by medical experts through hearing aids and cochlear implants. Therefore, the common view on deafness and disability in general is that of a negative status of being, a bad way of living and a loss. In the past, the view of deafness only as the pathological status led to the assumption that deaf people were genetically inferior (Lane 2005: 296) and that they should be "normalised" by learning the spoken language of the country and lip reading. This ideology is called Oralism and was mainly implemented in the field of deaf children education (Senghas and Monaghan 2002: 83). Nowadays, the Oralist ideology is said to be still widespread especially among the specialists, who encourage hearing parents with born deaf children to choose cochlear implant surgery in order to cure deafness (Senghas and Monaghan 2002: 83).

Other experts in Deaf studies argue that deafness can and should be considered not only a pathology but also a cultural feature. However, the point of view on the whole matter must be changed in order to dismantle the view of deafness only as a disabling status and give it this new and broaden definition. Lane (2005: 295) affirms that the concept of deafness as disability is a social construction. That is deafness is

[1] https://www.who.int/pbd/deafness/facts/en/

not disabling per se: it is the way society is constructed (that is suitable for hearing people) that makes Deaf people's life difficult. This statement is supported by the evident difference in opportunities for the Deaf between the hearing and the Deaf world. As Cooper (2007: 568) reports, Deaf people simply face everyday life in a different way from hearing people, and they can exploit all the possibilities for socialisation and communication inside their Deaf communities as much as hearing people do in the hearing society. Sparrow (2005: 137) adds that the disadvantages faced by deaf people due to their deafness could be overcome by changing the organisation of society. For instance he suggests the learning of sign language along with the learning of spoken language by both the hearing and the deaf society as a possible solution to favour communication. Senghas and Monaghan (2002: 78) argue that this sociocultural view of deafness stresses its nature as a variation of the human body, but it does not attach a negative view to it. In other words, the differences between hearing and Deaf people are the result of the human capacity to adapt to changes in a successful way. Therefore, those who promote the view of deafness from this perspective describe it not as a pathological deviation from normality, but rather as "another way of being normal" (Cooper 2007: 563).

The second perspective on deafness is the starting point in order to understand what deafness is for Deaf people. Indeed, as argued in the previous sections, d/D people are characterised by a different attitude towards deafness. In particular, Cooper (2007: 568) reports that those people who lost their hearing later in life tend to live deafness as a disabling audiological status. On the contrary, Deaf people who are born deaf and are members of the Deaf community consider deafness a good thing. They reject the negative stigma of disability and they argue that it is possible to live a good life that is nor better nor worse than that of hearing people; some Deaf parents even admit they were happy and proud that their children were born deaf (Sparrow 2005: 137). Moreover, Deaf people see deafness as a mark of cultural identity. Their status is linked with the use of sign language, Deaf culture, beliefs and customs that differ from that of the majority group and characterise them as a separate sociocultural entities (Senghas and Monaghan 2002: 78). Sparrow (2005: 141) agrees and underlines that hearing people who are fluent in sign language can participate in the Deaf community, but they are usually not considered full members. In other words,

"there is a social as well as a biological aspect to Deafness" Sparrow (2005: 141): being unable to hear is the first feature to enter Deaf communities. This view is at the core of Deaf people's claims for minority language rights. Lane (2005: 296) affirms that the major discrimination faced by Deaf people around the world is that against their language, because communication is the sphere that is most affected by deafness. Indeed, as Cooper (2007: 575) states, even though Deaf people have their own language and use it constantly in Deaf communities, there are few hearing people who know sign language and therefore they are limited in the possibility of communicate. Moreover, he reports that the spread of cochlear implant is seen by Deaf people as a threat to their Deaf community because this trend is the result of the medical and pathological view, which is said to have a negative impact on deaf people as well.

All things considered, it can be argued that the scientific definition of deafness is not neutral but rather biased against Deaf people, because they are not considered different from the majority but simply and negatively as not-normal. On the contrary, their status does not exclude them from all the possible social and vital activities when they live in their Deaf communities. Furthermore, this negative view attached to it is still widespread and it influences negatively deaf people's perception of deafness. Moreover, the view of deafness merely as a negative audiological status that needs to be cured is said to be too simplistic, because it does not take into consideration the cultural importance and its implications among Deaf people.

2.3 History of the deaf communities and deaf education

As Ladd (2003) reports, the existence of deaf people and sign languages dates back to the Greek-Roman period, as many philosophers' works show. However, there are few descriptions of the ancient sign languages and even less proof of the earliest deaf communities. One of the oldest and most famous communities was that of Martha's Vineyard, an island of the United States where Deaf people lived from the 1860s to the 1950s. Here, the percentage of Deaf people was extremely high compared to the rest of the country and both Deaf and hearing people were bilingual, that is they spoke English and could sign Martha's Vineyard sign language (a detailed description will be given in the fourth chapter of this dissertation). As concerns Europe, Ladd (2003)

reports that from the 17th century on, more documents on deaf individuals and their use of sign language have been found, and they suggest the presence of some deaf networks in Europe.

The main concerns regarding deaf people has always been in the field of education. Monaghan et al. (2003: 2) state that some of the first documents date back to the 16th century in Spain and they report Ponce de Leòn's efforts in teaching verbal language to some deaf boys. Indeed, the linguistic education of deaf children coming from wealthy families was mainly provided by private tutors in monasteries, where the Catholic Church perceived them as doomed because they could not talk to God and read the Bible. This mind-set spread across all Europe and deaf people were forced to learn how to speak. The medium of education varied greatly across Europe: tutors employed spoken and written language and they developed different forms of fingerspelling and gestures for teaching. Then, as Ladd (2003) reports, from the second half of the 17th century many schools for the deaf were established in western countries and a large number of them were run by deaf teachers who used sign language in class. Deaf schools soon became residential schools; this fostered the formation of deaf communities and the spread of sign language (Brentari 2010: 477 - 479). Two of the first and most renowned deaf schools in Europe were the first British deaf school named Braidwood's Academy for the Deaf and Dumb founded in 1760 in Edinburgh and the French National Institute of Deaf-Mute, which was established in the same year by the priest Charles-Michel de l'Épée in Paris (Brentari 2010: 477 - 479). Another important centre of deaf education was Germany, where Samuel Heinicke founded the first public school in Leipzig. These schools also represented the three main teaching methods for the deaf: the combined system, the manual method and Oralism respectively. The Braidwood schools was famous for the combination of signing and speech to teach deaf pupils (Monaghan et al. 2003: 3).

However, the school believed in the oralist philosophy, that is teaching deaf children to read, speak and lip-read (Maher 1996: 8). On the contrary, de l'Épée developed a new teaching method which was later used in other deaf schools as well. Although the aim was still the teaching of the verbal language, he created "methodical signing", that is he used his pupils' sign language and invented new signs in order to integrate the French grammar (Monaghan et al. 2003: 3). From the 19th century on,

deaf education was provided not by individual tutors but rather by governments and religious groups; therefore, deaf people were always seen as poor citizens that needed to be saved and were required to learn how to speak. Brentari (2010: 454) reports that the period between 1817 and 1880 can be considered the golden age of sign language. In 1864 another important residential school was founded: the National Deaf-Mute College (nowadays known as Gallaudet University) in the United States, which became more and more important both at a national and international level. Not only did the number of conferences about Deaf education slowly grow (Ladd 2003), but deaf communities also developed and became more closely knit. Indeed, many deaf families moved near the boarding schools, children formed close friendship, families expanded their networks and many deaf clubs were opened in the cities. Moreover, children from different parts of the country attended these schools and here sign language varieties met and mixed and formed the sign languages that are signed today (Monaghan et al. 2003: 4).

However, the situation in favour of deaf people and sign language rapidly changed at the end of the 19th century, when the Oralist approach was strengthened and spread across the world. Oralism is an education system which abolishes the use of sign language as a teaching tool in classrooms and in social life, as well as the presence of deaf teachers in educational institutions for the deaf (Ladd 2003). The main aim was to treat deaf people as "normal people", to integrate them completely in the hearing community and to eliminate sign language (Maher 1996: 14). Deafness was seen simply as audiological status that made them less intelligent and disabled; for this reason, children were taught to lip-read and utter spoken sentences. Moreover, Oralism was based on the assumption that the so called "deaf-race" had to be eliminated because deafness was an affliction; for many oralist experts, it was a duty and a moral responsibility of the hearing community to prevent marriages with and among deaf people (Monaghan et al. 2003: 8). One of the main supporters of this ideology was Alexander Graham Bell, who had also founded the Clarke School for Deaf Mutes in Massachusetts in 1867. The watershed for deaf communities and sign language was the International Conference on education of deaf children held in Milan in 1880. Experts dealing with deaf education decided to ban sign language, and oral methods became the only teaching method in almost all schools for the deaf around

the world, from the United States to New Zealand passing through Europe (Maher 1996: 15-17). According to Monaghan et al. (2003: 7-8), one of the reasons for the spread of Oralism has to do with the historic period. At that time, states were reorganising their internal structure and in centralised nations such as France, the government's decision forced all school to adapt to the new system. On the contrary, decentralized national systems such as that in Britain allowed some schools to use the oralist method together with fingerspelling. However, those who did not agree with the oralist method did not risk their reputation and did not openly express their dissent (Maher 1996: 75). Furthermore, the elite's mind-set in the new forming nations aimed at being internally cohesive, and the presence of different languages and separate communities were an obstacle to the idea of the unified state (Monaghan et al. 2003: 7-8).

The results of the diffusion of the oralist methods have been dramatic: deaf people were considered disabled and dumb; they faced discrimination and became isolated. Children had little access to education, and programmes were too poor to enable them to develop good working skills and knowledge (Maher 1996: 18-19). Moreover, in the second half of the 20th century, studies were conducted on deaf children's skills in the spoken language and the results showed the failure of the oralist method. Indeed, deaf children's ability to speak was poor and their lip reading skills were the same as those of common hearing children who had never been trained. In other words, they suffered from cognitive deprivation caused by the oralist mind-set of the hearing community that held power over their education and social life (Ladd 2003; Maher 1996: 18-19). Furthermore, sign language, which was banned from classrooms, was secretly used only in playgrounds and dormitories; deaf teachers could not work in deaf institutes anymore, and this caused more impoverishment. Indeed, deaf children had no deaf adult role models and the transmission of deaf culture to the new generations became more difficult (Ladd 2003: 138; Maher, 1996: 25). However, Deaf communities started reacting to this oppression and many Deaf organisations were established soon after the Milan Congress; for instance, the American National Association of the Deaf (NAD) was founded in 1880, the British Deaf Association (BDA) dates back to 1890, and the first New Zealand Deaf organisation was opened in 1926. They held many conventions on deaf education in

response to Oralism and they started claiming some rights against linguistic and cultural oppression. Moreover, experts started compiling a dictionary and a description of signs (Monaghan et al. 2003: 9).

The situation slowly started changing again after the Second World War. The leader nations planned on spreading democratic principles and, as a reaction to the brutal actions carried out by the regimes, their purpose was to affirm and respect human rights. It is thanks to this specific context that Deaf communities began to claim their rights as linguistic and cultural communities (Johnson et al. 1994: 776). They also founded the World Federation of the Deaf (WFD) in Rome in 1951, which today represents Deaf communities at the United Nations (Monaghan et al. 2003: 12). From the 1960s on, the Deaf linguistic, cultural and educational issue became more popular also thanks to the works of William C. Stokoe, an American linguist and professor at the Gallaudet University. He analysed American Sign Language (ASL) and provided a description of the signs in linguistic terms. Many other studies of sign language and Deaf culture have been carried out since then and academic research has given a significant contribution to the recognition of sign languages as real languages and the further recognition of the Deaf community as a linguistic and cultural minority group (Ladd 2003: 150-151). Furthermore, the increase in the number of deaf children, the international demand for more rights in many fields during the 1960s and 1970s and the effective failure of Oralism contributed to the Deaf community's strengthening and activism (Maher 1996: 71).

The recent decades have seen an increase in Deaf media (magazines, theatre, channels and so on), Deaf teachers and sign language interpreters and a rediscovery of Deaf cultural and historical heritage (Ladd 2003: 153-155). However, there are still many obstacles to their full recognition and equality as cultural group. This is partly due to the new Oralism. Brentari (2010: 482-483) states that the general cross-national trend is that of encouraging d/Deaf and hard of hearing children to to attend mainstream schools instead of Deaf institutes; the visible result of this is reported to be the closure of many deaf schools around the world. Moreover, the medical model of deafness (that is the view of deafness only as a pathology) is still widespread and the oralist mind-set of the scientific and medical community encourage parents to choose cochlear implants surgery. Consequently, fewer deaf children become part of

the Deaf community and this is considered to be a threat to sign language and culture (Sparrow 2005: 136). In addition to this phenomena, Compton (2014: 275-276) reports that around 95% of deaf children come from hearing families; moreover it is estimated that more than 80% of children who have deaf parents are hearing. This factor is said to hinder intergenerational transmission of Deaf culture and therefore it is an intrinsic threat to Deaf community survival.

As Ladd (2003: 152-153) affirms, two of the main concerns of the Deaf communities today are directed towards an external and an internal goal. The externally oriented concern has to do with the fight for total recognition and equality, for better access to services and reduction of cochlear implants surgery. The internally oriented goal is to make the community more cohesive and to strengthen the feeling of membership by rediscovering its cultural, historical and linguistic heritage (Ladd 2003: 152-153).

CHAPTER THREE - LANGUAGE AND DISABILITY RIGHTS OF THE DEAF

The third chapter of this dissertation will focus on the notions of language rights both in general and in relations to sign language protection. The main aim is to explain which rights Deaf communities claim and why they can be considered a cultural and linguistic minority that deserves the protection granted by national and international law. In particular, the first section of this chapter will introduce the notion of language rights and their level of protection at international and European levels, because this is the juridical background for the Deaf community's claims. The second section will focus on the issue of minority groups and the third section will focus on the Deaf community as a linguistic and cultural minority.

3.1 Language rights

3.1.1 Definition of language rights

The debate on the definition and recognition of language rights has become an important issue both in the international and national political landscape in the last few decades. However, language rights are a controversial matter, because they can threaten the national unity of states. Indeed, language rights are often linked to the cultural minority issue.

As Arzoz (2007:4) states, the definition of language rights is not well-established nor universally accepted. Examples of language rights are the freedom to choose the mother-tongue at an individual level as a marker of identity and the right to understand what public institutions tell one so that the individual can enjoy the other fundamental rights such as the rights to education, fair trial, healthcare and so forth. In particular, as concerns the latter, they require the intervention of the state in order to be implemented, for instance by granting the presence of an interpreter (Arzoz 2007: 7). Spolsky (1998: 59-60) mentions other linguistic rights: the right to learn the dominant language of the state, the freedom against discrimination in public services

and at work on the basis of language, and the right to promote and maintain one's own language.

As Santipolo (2018: 194) reports, language rights are granted at different levels depending on the historical and socio-cultural status of the linguistic minorities they refer to. In particular, Poggeschi (2010: 32) classifies language rights in three types. The first type concerns those language rights that enable citizens to enjoy fundamental rights (such as the right to non-discrimination on the basis of the mother tongue, freedom of expression, the right to education and to a fair trial). In other words, they are the rights of the individual to understand what institutions communicate to him/her; these rights are linked to the linguistic duty of the individual to learn the language of the public institutions of the country (Poggeschi 2015: 439). The second type of language rights are those of minority groups. The level of implementation differs greatly depending on the status of the minority group in the state: for instance the Catalan language in Spain and the German language in Italy are granted the status of official language in the territory of the minority groups, whereas other minorities are only granted little cultural protection (Poggeschi 2015: 440-441). The third type of language rights concerns the linguistic situation of immigrants (Poggeschi 2010: 39). An example of these language rights is the dominant language courses that foster the linguistic and cultural inclusion of immigrants. Another way of implementing the third type of language rights is to include non-compulsory immigrants' language courses in public schools that can be taken both by immigrants and local students; by doing so, immigrants' linguistic and cultural diversity and heritage will be promoted among the majority group and preserved among immigrants' communities (Poggeschi 2010: 39-40; Poggeschi 2015: 442).

As Arzoz (2007: 4) adds, language rights have to do with the national regulations that determine the use of one or more languages in public domains. As concerns the majority group, its language rights are implemented due to its dominant power in the social, political and cultural sphere; for this reason, its language rights are respected whether they are explicitly stated in their rule system or not. On the contrary, minority groups need to have their language rights legally expressed in order to use their own language in public domains. As a consequence of this, language rights are usually concerned with minority groups' recognition and rights.

Kymlicka and Patten (2003: 8) report a classification of language rights depending on the level of protection. The so-called tolerance rights are those that protect the individual's choices on private language use and they aim to avoid the discrimination of minority groups; promotion rights are language rights that promote the use of minority languages in the public sphere (education, courts, television and so forth). On the other hand, Arzoz (2007: 5-7) focuses on the relations between the individual and the state and divides language rights in "status negativus", "status positivus" and "status activus". The first is the freedom from interference from the state; the second is related to the minority's needs that can be met only through the state's action (judicial protection, education, etc.); the third category concerns how minority groups are represented and active in the institutional system of the state.

Some experts (such as Skutnabb-Kangas and Phillipson 1995, Hamel 1997; Kontra et al. 1999) provide an alternative definition of language rights: they are part of human rights and as such they should be granted by the states like all the other fundamental human rights (Arzoz 2007: 7). Indeed, since language is not only a communication system but rather it is often considered a mark of identity, its protection is important in order to ensure the freedom of identity (Kymlicka and Patten 2003: 15). Furthermore, as Skutnabb-Kangas and Phillipson (1995: 2) argue, the deprivation of linguistic human rights (LHR) is also a violation of other fundamental human rights such as the freedom of expression, the right to a fair trial and access to education. Skutnabb-Kangas and Phillipson (1995: 2) state that linguistic human rights have a double dimension, that is the individual and the collective. The individual dimension concerns one's right to use one's mother tongue and not be discriminated against because of it, whether one's mother tongue is a majority or a minority language in that country. The collective dimension has to do with the right of minorities groups to exist and have their language and culture promoted through education and political representation (Skutnabb-Kangas and Phillipson 1995: 2). In 1996, almost 200 people signed the Universal Declaration of Linguistic Rights in Barcelona. They were representatives of many NGOs, writers, linguists, jurists and other experts in linguistic rights. Although the Declaration has no official nor governmental value, it aims at supporting the universal recognition of language rights as human rights (Torner Pifarré 1998: 9-10). However, existing declarations and

treaties both at international and national levels (such as the Universal Declaration of Human Rights) do not bind the states to implement human rights and therefore in most cases, language rights are not necessarily granted by states (Kymlicka and Patten 2003: 5).

Moreover, the definition of language rights as linguistic human rights (LHR) leads to some practical problems. Kymlicka and Patten (2003: 10-11) and Arzoz (2007:14) argue that it implies universal standards for every individual regardless of their ethnic group. However, every linguistic community has its own needs and priorities depending on its status in society, its size in terms of number of members, its cultural heritage and its location in the state. Therefore, on the one hand, the universal standards embedded in the notion of linguistic human rights grant the same recognition to all linguistic communities, but on the other hand, they only lead to general guidelines that would not offer specific protection to all linguistic communities.

In most cases, language rights are embedded in other fundamental human rights of the individual, such as the freedom of expression and association, the right to respect for one's private life and the right to a fair trial. In other words, these rights also include the freedom to use whatever language the individual chooses, the right to have their cultural and linguistic practices respected and the right to understand the accusation in a trial (Arzoz 2007: 25). Indeed, language rights are not the explicit core object of regulations, but rather they are usually granted indirectly through the implementation of other general human rights (Poggeschi 2010).

3.1.2 Language rights recognition and main issues

The recognition of language rights is a very complex matter: they have a personal and a collective dimension and they are linked to the political and cultural situation of each state. The existence of language rights can be rooted in the core value of language for the individual. As Poggeschi (2010: 335) affirms, language is a marker of identity, a means of communication and an instrument for the transmission of knowledge. Therefore, it is important for the individual, but it is also linked to a collective culture and it is fundamental for the identification as a group as well (Kontra et al. 1999).

Indeed, the claim for language rights is usually made by minorities which do not see their cultural heritage preserved and therefore the two issues are constantly related (Skutnabb-Kangas and Phillipson 1995: 3). Moreover, language is also a key element of the integration process (Poggeschi 2010: 337); for this reason it is used a "means of social control" and "it is politically sensitive and inextricably interwoven with power structures" (Skutnabb-Kangas and Phillipson 1995: 1). Indeed, majority groups tend to give little protection to minorities in their territory because there is a conflict of interests and this is another reason why linguistic rights are difficult to implement (Arzoz 2007: 13). As Kontra et al. (1999) argue, the poor status of language rights is due to the fact that minority groups are seen as a threat to national unity. Indeed, language minorities are usually ethnic minorities as well and the ideal state is the one formed of one ethnicity and one language. Therefore, granting language rights to minorities gives importance to diversity instead of fostering the unity of the state. Moreover, the majority group may fear that this recognition could favour the minority's claims for independence instead of encouraging their assimilation. This can lead to the economic and political weakening of the state (Arzoz 2007: 13; Skutnabb-Kangas and Phillipson 1995: 4).

Another important aspect that keeps states from ensuring language rights is the costs related to this policy. Arzoz (2007: 14) underlines the fact that giving official status to a minority language means providing public services both in the dominant and in the minority language. That is, legislation, education, public administration, healthcare, broadcasting and so forth should be granted in both languages. However, the state has to bear huge costs in order to create this multilingual society. It must translate written documents and signals, provide interpreting services and train and coordinate public personnel. In other words, "public recognition of more than one official language demands a quantitatively and qualitatively higher involvement on the part of states than recognition and implementation of, say, freedom of religion" (Arzoz 2007: 14) and for this reason, states are often reluctant to recognise language rights. Moreover, Kymlicka and Patten (2003: 11) add that another problem has to do with the different status of the minority group. Indeed, the needs and claims of each linguistic minority are different depending on their historical and cultural roots in the territory. It is difficult and expensive for the state to define a linguistic policy that

grants equal protection to each minority and at the same time meets their specific and various needs.

3.1.3 Language rights and international law

The presence of language rights in international law is not extensive and it is often linked to the protection of other human rights. As Skutnabb-Kangas and Phillipson (1995: 74) report, this protection has developed through different stages. Before War World II, minority groups were sometimes granted some rights through bilateral agreements under the control of the League of Nations. After 1945, states wanted to spread democracy and therefore they also intended to protect the human rights that had been violated by the defeated regimes. Indeed, the Charter of the United Nations signed in 1945 mentions the "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion".

Another document that is relevant to the language right issue is the Universal Declaration of Human Rights (UDHR). It was adopted by the UN in 1948; it was not a binding treaty but rather a list of moral principles for the states (Risse et al. 1999: 1). In particular, the second article states that:

> everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (UDHR) [2].

The Declaration fosters protection both from discrimination and from assimilation for all the minorities that are characterised by one or more item listed in the article (Morsink 1999: 331). Article 19 is about the "right to freedom of opinion and expression" while article 20 concerns "the right to freedom of peaceful assembly and association"[3]. These articles have to do with freedom of language indirectly, because these rights have an intrinsic linguistic dimension (Santipolo 2018: 189). Moreover, Morsink (1999: 105) argues that article 26 on education implicitly gives minority groups the right to choose the language of education, and therefore fosters linguistic

[2] https://www.ohchr.org/en/udhr/documents/udhr_translations/eng.pdf
[3] https://www.ohchr.org/en/udhr/documents/udhr_translations/eng.pdf

rights and promotes the maintenance of minority languages. However, as Skutnabb-Kangas and Phillipson (1995: 74) point out, this Declaration does not deal with linguistic protection and minority issues directly and, as Morsink (1999: 241) claims, the Declaration is missing a specific article on minority groups that could encourage states to grant more protection. Nevertheless, the Declaration encouraged states to sign other formal documents which concern these issues (Arzoz 2007: 8). The International Covenant on Economic Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (CCPR) were adopted by the UN in 1966; they are two instruments that deal with language rights issue at an international level. Indeed, article 15 of the first covenant explicitly says that "the State must not ban the use of minority or indigenous languages"[4]; as concerns the second covenant, article 14 states that:

> in the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality to be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him (…) and to have the free assistance of an interpreter if he cannot understand or speak the language used in court (CCPR)[5].

Similarly, article 27 states that:

> in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language (CCPR)[6].

The language rights issue is more explicit in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which was adopted by the UN in 1992. In particular, article 4 states that:

> States shall take measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs, except where specific practices are in violation of national law and contrary to international standards (Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities) [7].

Kontra et al. (1999: 118-124) argue that these instruments of international law are important because they foster respect for language rights at an individual level. In

[4] https://www.ohchr.org/Documents/ProfessionalInterest/cescr.pdf
[5] https://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf
[6] https://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf
[7] https://www.ohchr.org/Documents/Publications/GuideMinoritiesDeclarationen.pdf

particular, states cannot forbid the individual to use a minority language both in private and public spaces with the members of his/her family, in musical events, private broadcasting and private education facilities. Indeed, a ban on these actions is considered a violation of the freedom of expression and private life mentioned in the Universal Declaration of Human Rights and a violation of the articles cited above. However, as Poggeschi (2010: 24) underlines, these articles are not enough to grant language rights to minorities and, as Arzoz (2007: 7) states, they are not binding for the states, nor do they give detailed guidelines on the degree of language protection. On the contrary, each state can decide the policy in order not to violate the regulations (Arzoz 2007: 10). For instance, international law does not bind the state to provide funds for broadcasting or for educational institutions that use the minority languages of the territory (Kontra et al. 1999: 123-124).

Therefore, it can be argued that language rights protection is internationally recognised as an important issue, because their violation has a negative effect on the individual's development, socialisation and exercise of other fundamental rights (Skutnabb-Kangas and Phillipson 1995: 10). However, national policies appear to be more effective in dealing with this important matter, because linguistic needs are specific for each minority group and therefore universal guidelines in international law are claimed to fail to meet the heterogeneous minorities' needs (Arzoz 2007: 31-32).

Another international treaty concerning language rights is the UN Declaration on the Rights of Indigenous people 2007. However, this legislation does not provide a clear definition of indigenous people (Poggeschi 2010: 312).

3.1.4 Language rights in the European Union

Language rights are an important issue for the European Union as well. Following the purpose to spread democracy and human rights that inspired the adoption of the Universal Declaration of Human Rights at an international level, the European countries decided to sign the European Convention on Human Rights and Fundamental Freedom (ECHR) in 1950 in Rome (Van Dijk et al. 1998: 1-2). In particular, article 6 of this convention obliges the state to provide an interpreting

service in trials (Van Dijk et al. 1998: 477). However, as Woehrling (2005: 23) affirms, this Convention, like the UDHR, aimed at setting collective rights (they refer to the entire human population) by establishing individual rights (that is rights that can be enjoyed by each individual) and this approach again failed to provide effective protection to language rights and minority groups.

Kymlicka and Patten (2003: 4) state that the European Union started taking the linguistic issue of minority groups more seriously when Eastern European countries applied for membership. European states decided to set some standard in order to foster democratic principles and avoid ethnic conflict. Since international law had not made much progress in the field of language rights, the EU adopted the Charter for Regional or Minority Languages (ECRML)[8], which was drafted and signed by the Council of Europe in 1992 (Woehrling 2005: 23). Poggeschi (2010: 30) states that this document addresses the issue of minorities and promotes linguistic rights directly, while Woehrling (2005) affirms that for this reason it can be considered the most advanced document on minority languages at an international level. Indeed, the attached report explains that "The charter sets out to protect and promote regional or minority languages, not linguistic minorities. For this reason emphasis is placed on the cultural dimension and the use of a regional or minority language in all the aspects of the life of its speakers"[9]. That is, the revolutionary approach consists in seeing languages as a cultural entity in themselves and not primarily linked to a minority group (Piergigli 2001: 16). The charter also gives a definition of regional or minority languages, that is:

> i) languages traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population;
> ii) different from the official language(s) of that State;
> it does not include either dialects of the official language(s) of the State or the languages of migrants (ECRML)[10].

Furthermore, it also links languages to the territory in which they are spoken, and it specifies that:

> territory in which the regional or minority language is used means the geographical area in which the said language is the mode of expression of a number of people justifying the adoption

[8] https://rm.coe.int/168007bf4b
[9] https://rm.coe.int/16800cb5e5
[10] https://rm.coe.int/168007bf4b

> of the various protective and promotional measures provided for in this Charter", whereas ""non-territorial languages" means languages used by nationals of the State which differ from the language or languages used by the rest of the State's population but which, although traditionally used within the territory of the State, cannot be identified with a particular area thereof (ECRML)[11].

As Grin (2003: 194) and Arzoz (2007: 16) argue, this document does not only define moral principles to follow but rather it aims at setting concrete guidelines in order to meet specific language needs and it grants more protection that international law does. Moreover, it binds the signatory states to follow its standards and it establishes a monitoring committee. However, each state:

> undertakes to apply a minimum of thirty-five paragraphs or sub-paragraphs chosen from among the provisions of Part III of the Charter, including at least three chosen from each of the Articles 8 (education) and 12 (cultural activities) and one from each of the Articles 9 (justice), 10 (administration and services), 11 (media) and 13 (economic and social life) (ECRML)[12].

In other words, the state is entitled to choose which obligations to apply and which languages can be considered minority languages with a cultural heritage to protect. Therefore, Arzoz (2007: 17) states that the Charter "limits itself to providing the rudiments for developing context-based standards of protection of regional or minority languages: the context-based varying standards established by the ECRML should be adjusted by the states to the needs of each particular language, taking account of the needs and wishes expressed by the group which speak it." Moreover, Woehrling (2005: 30) points out that the provisions of the charter can be implemented only through domestic laws, that is the state must adopt specific internal regulations in order to adhere to the Charter's measures.

Another document that addresses linguistic minorities rights is the Framework Convention for the Protection of National Minorities (FCNM)[13], which was adopted by the European Council in 1994 and entered into force in 1998. The main difference between the two European documents has to do with the aim of the regulations: while the Charter aims at protecting languages, the Framework addresses minority groups. Moreover, the former sets obligations on states, whereas the latter creates rights for the individual belonging to a minority group (Woehrling 2005: 33-34). Although this document is innovative because it is specifically on minority groups and obliges the

[11] https://rm.coe.int/168007bf4b
[12] https://rm.coe.int/168007bf4b
[13] https://rm.coe.int/16800c10cf

state to foster the development of the communities, it does not provide a clear definition of the term "minority" and its provisions are weak (Oberleitner 1999: 71).

3.2 Language and minority groups

3.2.1 Definition of linguistic minority group

As stated in the previous sections, the protection of languages is mostly related to minority language rights. This is due to the fact that majority groups do not need to have their linguistic rights granted by law, because their role in the social, political and cultural sphere puts them in the dominant position. For this reason Grin (2003: 19) argues that the definition of minority in a state derives from its social and political structure. However, the definition of minority group is not universally shared by all states, and this may create problems when states decide the addressee of linguistic and minority rights (Poggeschi 2010: 25). Morsink (1999: 270) and Poggeschi (2010: 25) report that the general definition of "minority" is the one given by Francesco Capotorti in 1979 at the United Nations Congress. The term minority defines the groups of people who are numerically inferior in a state; they are characterised by a culture, ethnicity, language and/or religion which differ from those of the majority group in a country, and they want to maintain their identity as it is. In Europe, the most widespread term is "national minority", which indicates the presence of a minority group in a state whose homeland is located within the dominant community in another state (an example of this is the German community in the north of Italy) (Poggeschi 2010: 29-30).

Another important distinction that is often made by scholars is that between historic and recent minorities, where the former stands for those minority groups that have lived in a territory for more than three generations (Santipolo 2018: 189-190). The term "linguistic minority" is used when the objective criterion of language is used to analyse speech communities that are minority groups in a state (Poggeschi 2010: 28). However, May (2013: 8) affirms that defining which communities are linguistic communities is not simple. Indeed, it is true that language is a significant marker of identity at an individual and collective level. As Spolsky (1998: 78) and Duranti

(2004: 3-4) argue, language is the means through which people engage themselves in society and share culture; a speech community is the place where identity and beliefs are both created and represented thanks to language However, politicians and researchers cannot take for granted the will of these groups to be identified primarily by the language they speak, nor that all group members want to preserve their identity as separated from the majority group and care about the protection of their language from assimilation (May 2013: 8).

3.2.2 The Deaf community as a linguistic and cultural minority

Although it is true that Deaf people in a country do not belong to a different ethnicity compared to the rest of the population, they have some distinctive features that make them a minority group. If we take into consideration the common notion of minority group reported in the previous sections, the Deaf community falls into this category. Indeed, it is a group of people which is numerically inferior to the rest of the population of the country. As reported in the website of the World Health Organisation in March 2019, "over 5% of the world's population – or 466 million people – has disabling hearing loss (432 million adults and 34 million children)" [14]. Moreover, as Sparrow (2005: 140) states, Deaf people claim their rights as minority group on the basis of some key features of their community that are typical of minorities and distinguish them from the national majority group of the state. These are the use of sign language as a first language, the presence of common experiences and beliefs due to their deafness, a shared history, distinct values and specific customs (such as taboos, speech turns and expressions for introducing and departing), schools for the Deaf and a series of active institutions that conduct many social activities (sports, arts and so on) (Lane 2002: 292). Therefore, all things considered, Deaf communities are widely recognised by experts as linguistic minority groups, and as such, they should be granted minority's rights.

Other scholars such as Batterbury et al. (2007: 2908) go even further and support the recognition of Deaf people as indigenous groups. They argue that the key features

[14] https://www.who.int/news-room/fact-sheets/detail/deafness-and-hearing-loss

that make them similar to other indigenous minorities are the longstanding presence of Deaf communities in many countries such as the UK and the US, the discrimination and marginalisation they suffered, and their claims. Moreover, Ladd (2003: 416-417) and Batterbury et al. (2007: 2904) affirm that Deaf people experienced a sort of colonialism: their language was banned from the late 19th century, Deaf culture was believed to be non-existent, and Deaf people were forced to learn the spoken language of their country and integrate in the hearing world. This attitude was due to the belief that deaf people were genetically inferior and needed to be saved in the same way that as the "savages" of the inferior nationalities in the colonies did. This policy is said to have had a serious negative impact on their mother tongue and culture, as discussed in the previous chapter.

The Deaf community however differs considerably from other minority groups. Firstly, the transmission of Deaf culture and sign language happens differently from other linguistic minorities. As Ladd (2003) reports, only 5-10% of Deaf families have the possibility to pass down their knowledge to the new generations. On the contrary, the majority of deaf children are born to hearing families and therefore they learn Deaf culture and sign language at Deaf schools. Secondly, their belonging to a minority group is primarily due to their medical condition, that is deafness, and the culture attached to it rather than for ethnic reasons (Sparrow 2005: 141). In other words, their cultural and linguistic knowledge differs from those of the dominant group not because they belong to a different ethnicity but rather because they are deaf.

3.2.3 Deaf community rights

The political, social, cultural and linguistic situation of Deaf communities is a very complex matter, because Deaf communities are in a peculiar position, that is they fall into the category of linguistic minority and also into that of disabled people. Kontra et al. (1999) affirm that the Deaf community is a linguistic minority whose ethnic identity is not different from that of the majority group; this implies that their linguistic claims are not a threat to the unity of the state. However, misconceptions about sign language and the Deaf community that are due to historical and

sociocultural factors make it difficult for Deaf people to obtain the deserved recognition.

As Lane (2005), Sparrow (2005) and Cooper (2007) argue, Deaf people need to have their linguistic rights granted, because their culture and language face discrimination and are in danger. As argued in the previous chapter, the ideology of Oralism, which promotes the learning of spoken language and diminishes sign language, is still widespread and causes hearing parents of deaf children to choose cochlear implants and mainstream schools instead of the services offered by Deaf communities. On the contrary, the latter claim to have their own culture, beliefs and language related to deafness which characterise them as a linguistic and cultural community and they feel threatened by recent trends. However, although Deaf communities are considered to be linguistic minorities, Deaf people's needs concerning language rights are difficult to meet and implement, not only because language rights and minority rights issues are a serious and complex matter per se, but also because many deaf people are born to hearing parents. This often implies less involvement of deaf children in the Deaf community and later exposure to sign language. Therefore, it is difficult to assess their mother tongue, which is at the base of language rights claims (Ricento 2006: 334). Another consequence of this is the fact that defining the members of the Deaf community is a complex task. As Batterbury et al. (2007: 2900) state, a distinction must be made between deaf people and Deaf people. Deaf people (capitalised D) is used to indicate people who cannot hear and have in common the same sign language, culture, approach to deafness and beliefs. These are part of the Deaf community of the country. The expression deaf people (small d) is used when referring to hearing-impaired individuals who are not part of the Deaf community of their country; the accent is on their medical status rather than on their belonging to a specific community. Therefore, they experience deafness as a pathology and they feel part of the hearing society.

Another issue that makes the recognition of linguistic needs difficult is that of first language acquisition. As argued in the previous chapter, the majority of deaf children do not acquire sign language from birth. For this reason, sign language is often not considered their mother tongue and therefore they are not seen as part of a linguistic minority (indeed, the latter is characterised by a common first language that

differs from that of the rest of the population in a state, as previously reported). Consequently, deaf children are only perceived as disabled people with special needs rather than disabled people with relevant linguistic issues (Phillipson 2000: 210). However, as argued in the previous chapter, sign language is a real human language that contributes to the development of deaf children as human beings; moreover, a delay in sign language acquisition may lead to a delay in cognitive development even though the child does not suffer from mental disabilities. Therefore, it can be argued that the linguistic issue is relevant to deaf people's condition, and thus institutions should take language rights into consideration when they deal with deaf people's needs and claims.

Another aspect of the linguistic issue of the Deaf community has to do with the presence of many sign languages in the same country. This has the same economic and political implications as the recognition of multiple minority spoken languages described in the previous sections. In other words, as Phillipson (2000: 211) states, the recognition of one sign language as official could be seen as discriminatory by other Deaf communities. On the contrary, as already argued, the recognition of all sign languages as official would have huge financial and social consequences that are difficult to cope with. Therefore, the institutions that entitled to plan education policy regarding sign language are required to choose which sign languages are appropriate for Deaf education in their country. Ladd (2003: 61) adds that the presence of many sign languages in the same country leads to another problem in the already difficult situation of Deaf communities. Indeed, multiculturalism is linked to immigration, which in turn is related to ethnicity. Examples of Deaf ethnic minorities are the Jewish Deaf community, the Deaf Black and the Asian Deaf community, which are setting up strong informal national organisations. Their presence inevitably complicates the picture, because, as argued in the previous sections, the dominant group feels threatened by these minorities and is even more reluctant to grant some sign language rights since their linguistic claims may lead to other serious claims for recognition and autonomy.

Furthermore, the path for the recognition of the Deaf community's linguistic rights is made more complicated by territorial issues. As Johnson et al. (1994: 777-778) affirm, those minorities who are usually granted some rights are those whose

community occupies a specific territory inside a state and have acquired a strong political and socio-cultural position. Their members have their specific minority group rights granted as long as they find themselves in that territory. However, although Deaf communities are labelled as linguistic minorities by experts in the field, they are not geographically concentrated in one specific region of their state, nor completely separated from the hearing society, that is the majority group. Therefore, it can be argued that although they are characterised by a specific culture, language and beliefs, their dispersed presence is a relevant obstacle to their claims for language rights as a minority group.

Although it is true that Deaf people cannot be defined as an ethnic community that differs from the dominant group in a state, they speak a different language and have their own shared cultures and beliefs that are linked to their identity as people who feel part of the Deaf community. However, "they are confined to a medical, non-linguistic and individualistic ideology" (Ladd 2003: 71). As Phillipson (2000: 210) states, their language is not recognised as a distinctive and key feature of their community and therefore their linguistic needs and claims often go unheard. This is mainly due to the fact that deaf people are primarily defined as disabled people. Their condition is often seen as a pathological and therefore institutions tend to grant rights and facilities that fall into the category of disability issue. This has a impact on deaf people as well, since the majority belong to hearing families. Ladd (2003: 59) states that deaf people's perspective on themselves is influenced by the negative view of the hearing community that surrounds them, and therefore it can be argued that this may strengthen their approach to deafness as a medical disabling status and weaken their feeling as part of a community. Indeed, Johnson et al. (1994: 779) affirm that although Deaf people need to have their fundamental rights recognised and participate in society, it can be argued that the rediscovery (both by the hearing and by the deaf people themselves) as specific community with its own culture is one of the Deaf community's priorities.

The perception of Deaf people primarily as disabled is still very common and it shifts the focus of institutional and scientific opinion from the linguistic and minority issue to the medical sphere (Ladd 2003: 70). Professionals dealing with deafness (mainly specialist doctors and experts in education) have an oralist mindset, that is

they strongly encourage parents of deaf children to install cochlear implants whenever possible and to teach them the spoken language of their country (Ladd 2003: 70). Moreover, the increasing in cochlear implant surgery causes a decrease in deaf people's participation in the Deaf world and in the acquisition of sign language as a first language. This trend is often considered by Deaf people as a threat to the existence of their own community, culture and language (Sparrow 2005: 135-136). Therefore, it can be argued that sign language and Deaf culture are still dismissed by institutions and are at risk. This is one of the reasons why experts in sign languages and Deaf communities are demanding greater protection for their linguistic and cultural status.

3.3 Language policy

3.3.1 Types of language policy

Language policy is an action that involves many professional figures, because it brings changes in the economic, political, educational and cultural spheres. Moreover, language policy does not only mean taking political decisions, but it also implies defining the level of protection, the priorities and the means and timing to implement the policy itself (Grin 2003: 193). While its purposes are the development or the promotion of specific languages in a state, it is also exploited in order to integrate groups of people in society, to control them and to put an end to minority groups' claims for rights and recognition (Corker 2000: 448).

Languages can be granted many different kinds of status depending on the language policy chosen by the government. They can be official languages, co-official languages, or languages entitled to linguistic protection (Poggeschi 2010: 36-37). However, these labels do not have the same implications in all states. As Spolsky (1998: 69) reports, the effective results of the political recognition of official language differs from one country to another. For instance, Canada and New Zealand have granted the official status to French and Maori languages respectively; however, in the first nation, French is used in and for education, whereas in the second nation, the state only provides public announcements in the Maori language. Moreover, as

concerns linguistic protection, it can vary greatly depending on the socio-cultural, historical and political importance of each minority language (Santipolo 2018: 194). The level of protection is also decided on the basis of the members' willingness to protect and use the language, the presence of appropriate contexts for language use and the members' level of knowledge of the language itself (Grin 2003: 194). Furthermore, De Korne (2012: 39) argues that the effective results of language policy are influenced by the amount of funding and the change in minority language use in the community.

The planning of language policy is said to take into consideration three main factors: language practices (what variety of language is commonly used in the community); language beliefs (how much the community feels identified by the language); and language use (how much and in which contexts the minority language is used in the community) (Spolsky 2004: 5). Language policy can be divided into different typologies depending on the aim, and the implementation of one typology does not prevent the state from adopting the others. Language status planning mainly concerns politics: it is required by the government to define standard features and context of use of the language. This policy is used to decide whether a language should be granted official status or not. However, a decision at a political level is not enough, but rather the official recognition of a language must be followed by concrete actions that grant the effective and concrete use of the official language in in public services, education, media and legal systems (Spolsky 1998: 66-67; Corker 2000: 449).

The corpus planning aims at standardising the language from a linguistic point of view, that is defining its fixed structure, so as to distinguish it from its varieties in the context of use, to include new lexicon among its vocabulary and to set up orthographic norms; it primarily involves linguists and sociolinguists (Spolsky 1998: 66-69).

Language acquisition planning has to do with education, that is children are required to learn all the official languages of the nation; it also includes the teaching of the minority language, literature, history and culture (De Korne 2012: 38-39). This policy may also include incentives to be educated in the minority language instead of using the majority language as a teaching tool. Phillipson (2000: 210) argues that the current norms that should promote linguistic human rights in the educational system

are too weak. More specific standards are needed with reference to what linguistic level of the mother tongue should be reached by students, and the level of access.

Language diffusion policy instead concerns all the actions that are taken in order to promote the use and learning of a language in different contexts (Spolsky 1998: 70-72).

One of the major problems concerning language policy has to do with its planning. In order to understand what to include, studies on minority groups' needs are required and this implies huge costs for the state; moreover the results of language policy may vary depending on what approach is chosen for the planning of the policy itself and the main goals (De Korne 2012: 40).

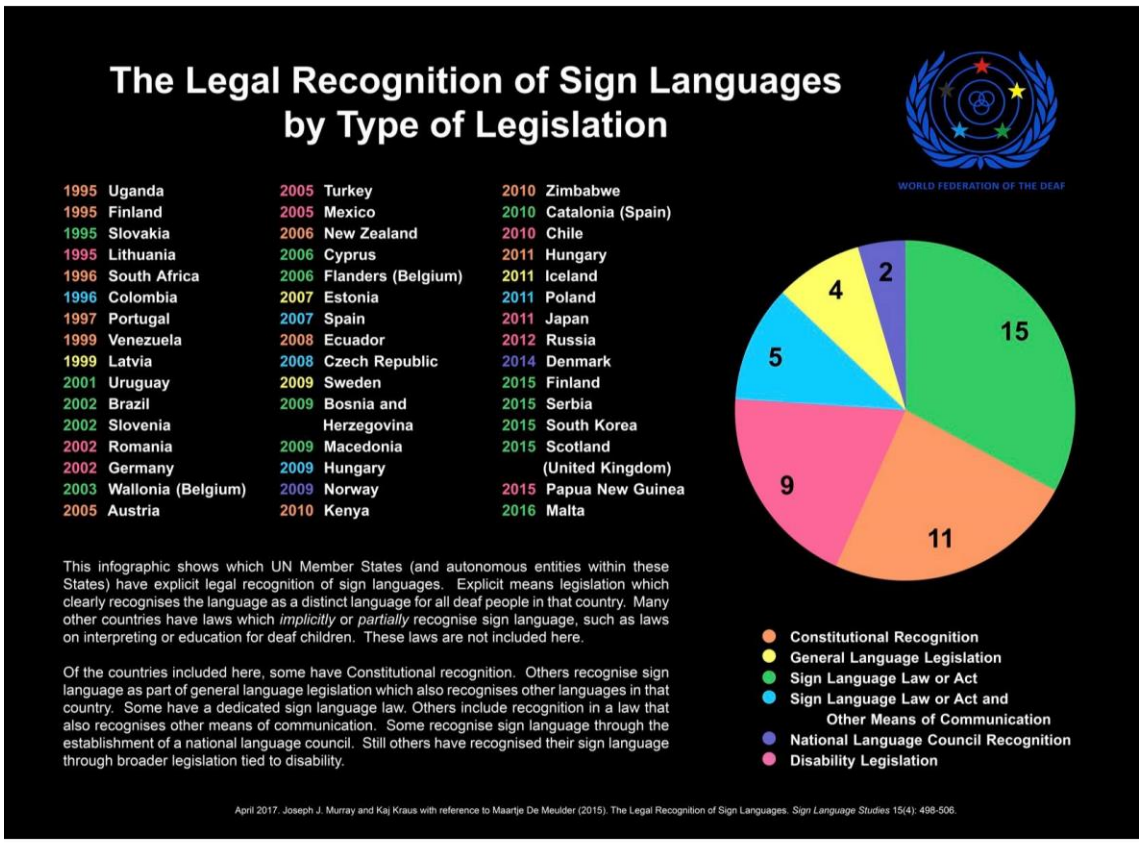
3.3.2 Sign language policy and legal recognition

As concerns sign language policy, Ricento (2006: 333) affirms that status planning is often implemented with respect to sign language use in education, legal and healthcare systems. Corpus planning for sign language has been implemented in many countries in recent decades. Ricento (2006: 334) reports that this language policy aims at creating and fixing lexicon, dictionaries, textbooks and orthographic representation of signs. Language acquisition policy for sign language is at the core of the linguistic issue of Deaf people as well. Many experts such as Spolsky (2004: 2) and Batterbury et al. (2007: 2908) underline that education policy is extremely important for the Deaf community and other minority groups, because education is one of the main tools through which language, history and culture are transmitted, promoted and spread. Moreover, as argued in the previous chapter, deaf children are in urgent need of opportunities to learn sign language from an early age since the majority have hearing parents and cannot fully acquire their mother tongue from birth. Therefore, it can be argued that education policy is one of the most urgent issues in the field of Deaf people's rights.

As far as the legal recognition of sign languages is concerned, this has become an important goal to reach for Deaf communities. As De Meulder (2015: 164) argues, from the 1960s on, the growing academic recognition of sign languages as real languages equal to spoken languages has positively influenced the way Deaf people

see themselves: they have gained more pride as individuals and as a community. They began to identify themselves primarily as a linguistic and cultural minority group and their claims for recognition as such became both national and international.

Figure 1: the legal recognition of sign languages by type of legislation[15].



Therefore, because sign language as a mother-tongue is one of the main features of their identity as a minority group, the demand for cultural recognition is also linked to the claim for linguistic recognition. The WDF reports that sign languages around the world are granted different types of legal recognition. However, De Meulder (2015: 166) underlines that each form of recognition can be implemented in different ways according to the language policy and attitude of each state; moreover, even the highest form of recognition does not grant more protection than other types of law on language.

[15] http://wfdeaf.org/news/resources/infographics-legal-recognition-sign-languages-type-legislation/

Sign languages (and spoken languages) can be implicitly or explicitly recognised. Implicit language recognition is granted when the focus of the legislation is not the language itself, but rather other rights and services such as education and inclusion that has a linguistic aspect (De Meulder 2015: 163). For instance, the use of sign language interpreters in public and juridical institutions are granted by means of disability or educational laws and not through to specific language policy. Indeed, Schembri and Ceil (2015: 123) state that sign language policy is difficult to develop and implement, because deaf people are still considered a disability category rather than a linguistic and cultural minority and therefore their needs are mainly covered by disability legislations. However, nowadays Deaf communities claim explicit language recognition linked to their demands as cultural minorities. Their main aim is that of obtaining formal recognition as a minority group which could entitle Deaf communities to claim some rights as collective group and actively protect and promote their linguistic and cultural dimension at local and national levels (De Meulder 2015: 168).

3.4 Deaf people and disability policy: the CRPD

As argued in the previous sections, the most distinctive feature of d/Deaf people is deafness, and their audiological condition defines them as disabled people. Corker (2000: 459) claims that language policies tend to be closely connected with disability policy for deaf people and consequently they focus and spread a negative perspective of deafness. However, it is also true that the majority of services for deaf people are provided by institutions thanks to the disability policy. For instance, as Lane (2005: 296-297) reports, interpreters and access in education and other services are granted by disability laws and not by language policy.

As far as sign language protection is concerned, although Deaf communities are recognised as linguistic and cultural minorities by experts in the field, it can be argued that the international documents on language and minority rights that have been analysed in the previous sections do not contain any explicit reference to Deaf communities and their sign languages. On the contrary, Deaf and sign languages are

mentioned in the Convention on the Rights of Persons with Disabilities (CRPD)[16]. De Meulder (2015: 165) argues that although Deaf people are recognised as being part of both a minority group and the disability category, institutions tend to label the d/Deaf only as disabled people and grant them rights at a human and linguistic level under disability legislation. Nevertheless, Batterbury (2012: 254) states that some important achievements in sign language and minority recognition have been obtained thanks to the policy of inclusion promoted through disability legislation. Indeed, she reports that the latter has a stronger impact on the social and political sphere than minority group legislation. According to Sabatello and Schulze (2013: 23-24), the CRPD is a powerful tool because it does not only contain a list of rights to be granted, but it also binds the states to take concrete actions for the effective inclusion of disabled people in society. Furthermore, it fosters the engagement of disabled people and the collaboration between disability organisations and the political class at a national and international level when it comes to the monitoring process of human rights implementation and the international cooperation concerning disability matters.

The CRPD was adopted by the United Nations in 2006, it entered into force in May 2008 and it is the first international treaty that focuses on disabled people's human and civil rights (Kanter 2019: 303). The international and national political class started paying attention to disabled people's social inclusion and access after the Second World War, when the promotion of human rights was one of the main purposes of the international community, and in the 1960s and 1970s some activists created the disability rights movement to fight for equal treatment and human rights (Schur et al. 2013: 3). The movement's main goal was the change of perspective from a medical point of view on disability to the social dimension of disability, which is linked to discrimination, exclusion and segregation (Sabatello and Schulze 2013: 13-14). As explained in the official website of the United Nations[17], the Convention aimed at granting human rights, equal treatment and access to persons with disabilities. In particular, with respect to sign language, Batterbury (2012: 258) affirms that the CRPD approaches the sign language issue from a social and human rights point of view and this may promote active domestic language policy.

[16] https://www.un.org/disabilities/documents/convention/convention_accessible_pdf.pdf
[17] https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html

Five out of the fifty articles make explicit reference to Deaf communities and sign languages. Article 2 provides definitions of the words used in the convention and it specifies that the word "language includes spoken and sign languages and other forms of non spoken languages"[18]. Article 9 is about accessibility and obliges the states to

> take appropriate measures in order to enable persons with disabilities to live independently and participate fully in all aspects of life…these measures shall include the identification and elimination of obstacles and barriers to accessibility … states shall provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public (CRPD)[19].

Furthermore, article 21 of the CRPD explicitly binds the signatory states to take action in favour of sign languages. In particular, this article, which concerns the freedom of expression, opinion and access to information, states that:

> States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice by:
> (a) Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;
> (b) Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, – 15 – modes and formats of communication of their choice by persons with disabilities in official interactions;
> (c) Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities;
> (d) Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;
> (e) Recognizing and promoting the use of sign languages (CRPD)[20].

The third article that mentions Deaf people and sign language is article 24 on education. It binds the states "to ensure an inclusive education system at all levels and lifelong learning"[21]; it specifies that disabled children must be provided with equal access to primary and secondary education, and that the state must provide measures, environments, conditions, tools and services to facilitate access and learning. Furthermore, it underlines that institutions must provide a form of education that

[18] https://www.un.org/disabilities/documents/convention/convention_accessible_pdf.pdf
[19] https://www.un.org/disabilities/documents/convention/convention_accessible_pdf.pdf
[20] https://www.un.org/disabilities/documents/convention/convention_accessible_pdf.pdf
[21] https://www.un.org/disabilities/documents/convention/convention_accessible_pdf.pdf

enables disabled people to succeed as human beings and professionals. In particular as concerns deaf people, states are required to take measures, including:

> (b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;
> (c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.
> 4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities (CRPD)[22].

It can be argued that the article encourages institutions to promote the teaching of and education in sign language; furthermore, it recognises that sign language is not only a means of communication but rather it has a cultural importance for the individual's identity. It also fosters the employment of deaf and signing teachers.

Article 30 is deals with the "participation in cultural life, recreation, leisure and sport"[23]. It grants the right to enjoy cultural places and activities (museums, mass media, cinema, tourist attractions and so forth) as well as to express their potential in these fields.

According to Sabatello and Schulze (2013: 20), the CRPD is in line with the other UN human rights instruments, which are the UDHR, the CCPR and the ICESCR; it is also innovative, because it fosters not only civil and political rights, but also economic, social and cultural rights. However, as reported by Batterbury (2012: 266), the CRPD binds the signatory states legally, but national laws are required in order to enforce its provisions and this may cause a delayed or partial implementation of its provisions.

All things considered, it can be concluded that, although important goals for the improvement of d/Deaf people's life have been achieved thanks to the disability label that defines d/Deaf people as part of this category, it is also true that disability policy is not enough. Indeed, the most urgent priorities for the Deaf have to do with the safeguarding and promotion of their community's history, pride, language and culture

[22] https://www.un.org/disabilities/documents/convention/convention_accessible_pdf.pdf
[23] https://www.un.org/disabilities/documents/convention/convention_accessible_pdf.pdf

(Lane 2005: 305). Therefore an active language policy that complies with international law on language, human rights and minorities is needed. However, it is also true that deaf people's claims remain a complex matter, because the definition of and attitude towards deafness is not univocal for the d/Deaf themselves. As argued in the previous sections, it is difficult to define how many deaf people consider themselves to be effective members of the Deaf community, or perceive themselves only as disabled people who want to integrate fully into the hearing world. Furthermore, as Sabatello and Schulze (2013: 18) explain, the definition of deafness (medical vs cultural perspective, as argued in the first chapter) changes according to the social, cultural and religious context. Therefore, for instance the American Deaf communities feel the pride of being recognised as cultural minority, whereas Hispanic Deaf Communities in the US perceive deafness as disability. This fragmentation both at a national and international level, combined with the minority right issue, enhance the difficulties for Deaf people to have their rights and language recognised and promoted.

CHAPTER FOUR - CASE STUDIES: ASL, BSL AND NZSL

The fourth and final chapter will focus on the case studies that have been chosen for this dissertation, namely American Sign Language (ASL), British Sign Language (BSL) and New Zealand Sign Language (NZSL). An analysis has been conducted for each case study focusing on the legal protection of sign language and of its Deaf community. Each part of the fourth chapter will provide general figures on the number of deaf and hard of hearing people in the US, the UK and New Zealand. Furthermore, it will provide information about the history of each sign language and then the research will focus on the legal instruments that grant some degree of protection and promotion to the three sign languages. In particular, the language policy of each state will be analysed, both in general and in relation specifically to sign languages. International laws discussed in the previous chapter will also be taken into consideration in order to understand whether they have an influence on domestic language policy or not. Domestic disability laws mentioning sign language and deaf people will also be analysed in order to understand whether sign languages and Deaf people are granted more protection under the disability label rather than the minority group one.

4.1 American Sign Language (ASL)

4.1.1 The American deaf and hard of hearing

The most recent figures concerning deaf and hard of hearing people are provided by the United States Census Bureau. The American Community Survey (ACS) is conducted every year: 3.5 million householders are asked to fill in the questionnaire, which contains a question on their hearing status. As reported in the official webpages[24], the estimated number of deaf and hard of hearing people in 2017 in the USA was 12, 027, 261 people, that is 3.7% of the entire US population (the total

24 https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_17_5YR_S1810&prodType=table and https://data.census.gov/mdat/#/search?ds=ACSPUMS1Y2017&vv=AGEP&cv=DEAR,SEX&nv=SATELLITE&wt=PWGTP

estimated percentage of people with disabilities is 12.5%). When compared to the figures of the previous five years, the trend fluctuates slightly: it was 3.2% in 2012, 3.6% in 2013, 4.4% in 2014, 3.5% in 2015 and 2016. In particular, in 2017 the estimated percentages of deaf and hard of hearing people among the population under 18 years old, 18 to 64 years old and over 64 years old were 0.6%, 2% and 14.8% respectively. However, it must be noted that the questionnaire simply asks whether the person is "deaf or has a serious hearing difficulty"[25]. That is, it does not mention the range of deafness, nor whether the person has undergone cochlear implant surgery.

The survey shows that there are slightly more male deaf people than female deaf people (6,987,155 male or 2.1% and 5,040,106 female or 1.5%); as regards ethnicity, the proportions of hearing and deaf/hard of hearing persons in 2017 are the following:

Table 1: proportions of hearing and deaf/hard of hearing persons in 2017

ETHNICITY	% OF HEARING POPULATION	%OF DEAF/HARD OF HEARING POPULATION
White	73%	85%
Black	14%	8%
Asian	7%	3.4%
American Indian and Alaska Native	1.7%	0.5%
Other ethnicities	5.7%	2.8%

The second column of the table shows the estimated proportions of the American population sorted by ethnicity affiliation among the hearing population, whereas the third column shows the estimated proportions among the deaf and hard of hearing population. As can be noted, the number of Black people among the deaf population is considerably lower than the distribution of the general population. However, the survey does not ask for information about the belonging to a Deaf community or a linguistic minority and it does not make a distinction between deaf, Deaf and hard of hearing people; the figures do not provide any insights on the knowledge and use of ASL either. Therefore, although it is true that data from the census are relevant for the

[25] https://www2.census.gov/programs-surveys/acs/methodology/questionnaires/2017/quest17.pdf

American disability policy, it can also be argued that these figures do not provide enough information of Deaf people as linguistic and cultural minority group.

As concerns educational attainment statistics, the 2019 report of the National Deaf Centre based on the 2017 ACS shows that the deaf and hard of hearing population is less educated than the hearing population. In particular, the gap in high school diploma is of 5.7% and the difference between hearing and deaf people with a bachelor degree is 15.2%. However, the survey does not provide information of whether deaf and hard of hearing people were educated in verbal or sign language. That is, the survey fails to give information about the use and teaching of sign language that could be relevant for a linguistic and educational policy that addresses deaf and hard of hearing people as linguistic and cultural minority group.

As concerns language issues, the United States Census Bureau website[26] reports that there are no official data on American Sign Language users in the United States; instead, the survey counts signers among English speakers. Mitchell et al. (2006: 17-18) state that the only study on sign language use was conducted by Schein and Delk for the National Census of deaf population in 1974. The survey showed that the signing population was estimated to be from the 250,000 to the 500,000 people. However, as claimed by Mitchel et al. (2006: 19-20), the questionnaire submitted was not specifically on ASL usage but rather on sign systems in general, that is it did not make any distinctions between the different forms of sign language. Moreover, they also claim that the other figures on ASL users that can be found on the internet should be considered unfounded, because they are based on statistical data about deafness. However, as argued in the previous chapter, the audiological status is not directly associated with the knowledge of ASL as first language nor with the membership to the Deaf community as linguistic and cultural community.

4.1.2 The American Deaf community

Deaf communities in the USA are spread all across the country; the biggest ones are usually located close to the most renewed institutions for the deaf such as Gallaudet

[26] https://www.census.gov/topics/population/language-use/about/faqs.html

University in Washington DC and National Institute of Technology on Rochester NY (Holcomb 2012: 232). At a national level, the institution that reunites all American Deaf communities is the National Association of the Deaf (NAD). As reported in its website, it is the "nation's premier civil rights organisation of, by and for deaf and hard of hearing individuals in the US" [27]. It was established in 1880 in reaction to the Milan Conference, which spread Oralism, and it aims at gaining linguistic and cultural rights for American Deaf people and promote ASL and Deaf culture. It also collaborates with the UN institutions by representing the US at the World Federation of the Deaf (WFD). Furthermore, it collaborates with the national deaf and hard of hearing organisations: each American state has its own national Deaf association, which support the others on the territory. Moreover, the NAD is supported by disability organisations in order to gain civil rights and social inclusion for the deaf.

According to the research conducted by the NAD, ASL is recognised as official and natural language of the Deaf by the majority of American states; moreover, ASL courses are offered in high schools and college as foreign language courses and grant academic credit. It must also be noted that the various American Deaf community do not use the same ASL: varieties exist especially due to the ethnic affiliation of deaf people. The most famous variety of ASL is the Black ASL: it is used by Black Deaf communities in the USA, which formed and developed their variety because of the long history of racial segregation of the United States (Brentari 2010: 27).

4.1.3 History of ASL

The origin of ASL is unknown, because there is little written evidence of the use of sign language in the USA before the establishment of ASL. Holcomb (2012: 116) argues that more than one sign language was used in the United States by isolated deaf communities before the establishment of ASL. One of the most well-known examples is Martha's Vineyard Sign Language (MVSL). Martha's Vineyard is an island located in Massachusetts; its inhabitants were Native Americans and then British colonists who moved to the island from the colonies on the mainland from the 1640s on. The

[27] https://www.nad.org/about-us/

island is considered to be one of the most successful sign-spoken language bilingual societies: not only was the percentage of deaf people who lived there higher than the national distribution, but also hearing people could sign MVSL and therefore deaf people were completely integrated in the hearing society (Compton 2014: 273). Records report that the first deaf people, a father with his son, arrived on the island in 1714. However, according to Groce (1985: 26-27), the high percentage of deaf people on the island was also due to the presence of a recessive gene of deafness in the British colonists who lived there. She found that the deaf inhabitants of Martha's Vineyard descended from three main families (Lambert, Skiffe, Tilton), whose members married among them during the 1660s and the 1670s in Massachusetts. However, these families were already related: the previous generation came from the same isolated villages in Kent, where the gene of deafness must have been present prior to their immigration. Indeed, she argues that these parishes used to be small and had some contacts only with other little surrounding parishes; therefore in breeding between families are supposed to have existed. Compton (2014: 273) states that MVSL has been used for 12 generations from the 1620s to the 1950s; starting from the 1700s, many deaf families migrated to the mainland (in particular in Massachusetts, Maine and New Hampshire) and they helped the formation of Deaf communities in these states.

The so called indigenous sign languages were signed in different states across the country and they came in contact thanks to the establishment of the first school for deaf people in the USA. The American Asylum for the Education and Instruction of Deaf and Dumb persons was opened by Thomas Hopkins Gallaudet in 1817 in Hartford, Connecticut (Holcomb 2012: 116). In 1815, Gallaudet, who is considered the father of deaf education in sign language in the United States, planned to study the oral teaching methods used in the most renowned and ancient schools for the deaf in the UK, that is the Braidwoods school, which was founded in Edinburgh in 1760. However, Gallaudet did not obtain permission to be trained in the Scottish institution; he met Abbé Sicard, the director of the Royal Institute for the Deaf in Paris and studied there the teaching methods developed by De L'Épée (Maher 1996: 7-8). Charles-Michel De L'Épée founded the institution in 1771, but he rejected the oral methods and chose to provide education in sign language. As Tabak (2006: 9) argues, although

it is true that De L'Épée did not know about any studies in deaf education and teaching methods conducted by those who preceded him, he revolutionized the approach towards deaf people, because he gave importance to his pupils' sign language and used it as a teaching tool. In other words, his attitude towards deafness was groundbreaking because he did not stress his students' flaws by teaching speech, but rather focused on their potential. However, De L'Épée failed in recognising the sign language of his students as a complete language. He believed it had no grammar, and therefore he developed the so-called methodological signs, a teaching method which combined his pupils' sign language with French grammar. (Monaghan et al. 2003: 3). De L'Épée opened many other deaf schools in France and spread his method, which helped the formation and the diffusion of French Sign Language (FSL) across the country.

Gallaudet returned to the United States with Laurent Clerc, a French Deaf pupil he had met during his training, and they taught Deaf students through the method of manual signs. The institution soon became a residential school and received funds from the American government; here various deaf students' indigenous sign languages such as MVSL combined with FSL used in class and this led to the formation of ASL. This is the reason why ASL is linguistically more related to FSL than to British Sign Language (BSL). Many residential schools implementing Gallaudet's manual teaching method for the deaf were established; one of the most famous ones was the Columbia Institution for the Instruction of Deaf and Dumb and the Blind led by Gallaudet's son Edward Miner Gallaudet in 1857. The school added a college institution in 1864, which today is called Gallaudet University and is one of the most famous academic institutions for Deaf people (Maher 1996: 10). Furthermore, the establishment of many residential schools contributed to the formation of larger deaf communities in the urban area close to the schools. Indeed, nowadays the largest and most active Deaf communities are located close to Deaf schools, such as the Gallaudet University (Washington DC) and the National Technical Institute for the Deaf (Rochester, NY) (Holcomb 2012: 232). Moreover, the mixing of different sign languages in these schools led to the creation of different sociolinguistic variations, whereas at the same time, the opening of residential school where education was provided through signs led to the standardisation of ASL (Brentari 2010: 453).

However, ASL was strongly repressed and discriminated during the Oralist period. Indeed, the French method was not the only one used in the USA to teach deaf students. On the contrary, many schools for deaf had been founded around the country by experts who were in favour of the oral method of the Scottish Brainwood School. One of the most famous opponents of Gallaudet's principles was Alexander Graham Bell, who established the Clarke School for Deaf Mutes in 1867 in Massachusetts (Maher 1996: 9). Bell was one of the main supporters and promoters of Oralism in the Milan Conference in 1880 and in the United States in the following decades. From then on, sign language was banned and deaf students were forced to learn how to speak and lip-read. However, during the Oralist period, ASL was secretly used in playgrounds and dormitories; moreover, Deaf communities became isolated again and Deaf teachers were not employed anymore. This led to a linguistic and cultural impoverishment of Deaf communities and to the formation of many regional dialects. Even the Gallaudet institution was negatively influenced by Oralism: although pupils were still taught through signs, educational programmes were poor and deaf students did not receive enough education to find a job in the hearing world. Furthermore, ASL had little consideration among deaf people as well. Maher (1996: 61, 82) states that the hearing society's negative perspective on deafness and signing spread among deaf people: deaf teachers believed "signing was something that deaf people simply did" and ASL was not considered a real language at all.

ASL started receiving more attention in the 1950s thanks to the intuition of an American linguist, William C. Stokoe. He worked as professor at Gallaudet institution, where he realised that his pupils' signs were different from those used by teachers in class; indeed, while the former used ASL, the latter used manually coded English. He also realised that ASL was not simply a manual slang of spoken English but rather a fully developed language that could convey a great variety of meanings (Maher 1996: 42, 53-77). He asked deaf teachers and ASL signers to teach him ASL and he started studying it from a linguistic point of view (Maher 1996: 42). Stokoe published his works on ASL in the 1960s: he argued that it is a real human language as much as spoken English is. He was the first to understand that signs were linguistic units made up of specific parameters that combine according to specific linguistic rules; he compiled the Dictionary of American Sign Language (DASL) in 1965, which

contained a list of ASL signs with the description of their parameters and an essay on Deaf communities from a socio-cultural perspective (Brentari 2010: 454). Despite the initial resistance to his works and concept of ASL in the hearing and the deaf academic world, Stokoe and other linguists' publications and research brought the attention to ASL and helped it regaining importance as a real human language belonging to a linguistic and cultural minority (Maher 1996: 92). Furthermore, Deaf communities started changing attitude towards ASL and deaf culture as well: they became more active and called for rights as a cultural minority. This change was not only due to the academic recognition, but also to the cultural movements for rights in the 1960s and 1970s, the evident failure of Oralism in deaf education and the increase in the number of deaf students in deaf schools (Maher 1996: 71, 115).

Nowadays, ASL is formally and socially recognised as a real human language and as a cultural heritage of Deaf communities. However, Brentari (2010: 475) argues that ASL may undergo other changes due to another shift in attitude towards deafness and sign language. As argued in the previous sections, deaf schools are losing importance and more and more deaf children enrol in mainstream schools; furthermore, parents are encouraged to turn to cochlear implant surgery for their children. This may be considered a threat to the survival of Deaf communities, Deaf culture and ASL. Indeed, Compton (2014: 277) reports that despite a slight increase in deaf children born by deaf parents, the use of ASL at home is said to have fallen from the 28% to the 23%; she argues that one of the main causes may be sharp increase of cochlear implant surgery by 42%.

4.1.4 Language rights in the USA

4.1.4.1 Language policy in the USA

Poggeschi (2010: 53-54) states that the United States can be considered a melting pot, because its linguistic heritage is made up of many different languages that mix together to form one single nation, whose dominant language is English. This is mainly due to the fact that the USA have always been a country of immigration, where different nationalities (and consequently their cultures and languages) meet to form a

new unified nation. However, the language policy of the country mirrors the internal conflict between the call for unity and the preservation of diversity.

The American constitution does not mention any official language at a federal level. However, English has become the dominant language of the state and therefore, spoken English is considered the de facto official language of the USA by experts in the field. Indeed, Harper (2011: 519) argues that attempts to pass an amendment to legally recognise English as such have failed because the status of English is well established and legislators do not feel the urgent need to explicit it. As regards minority languages, there is no federal law that concerns minority groups' rights and recognition. However, at a national level, some states are de facto bilingual: for instance in Texas, institutions and the government use both English and Spanish. Therefore, it can be argued that despite the absence of a federal law, some minority languages have gained socio-cultural power, so much so that they have become the second dominant language of their state (Harper 2011).

However, although the USA has no national language policy and is a multi-language society, the recent tendency is characterised by a linguistic approach that encourages monolingualism. As Poggeschi (2010: 57-59) reports, three main sentences of the Supreme Court during the 1920s are the expression of an open attitude towards languages other than English and promoted the learning, teaching and use of minority languages such as Spanish and German. Then, following the reforming anti-racial approach and the civil rights movements of the 1960s, the Congress voted in favour of the Bilingual Education Act in 1968, which provided funding for bilingual education in public schools and promoted the preservation of non-English speaking students' native languages and cultural heritage (Harper 2011: 521). This trend is said to be reversing in the last 30 years. Poggeschi (2010: 62-63) reports that many states have adopted some bills which ban public school courses provided only in Spanish or in languages other than English; the so called English Only movement started in California in 1998 and influenced other states as well such as Arizona and Massachusetts. Although the Supreme Court have never declared those bills unconstitutional, Harper (2011: 523-524) argues that the No Child Left Behind Act (NCLB) voted in 2002 is said to support the English Only movement instead of promoting multilingualism in public education. Furthermore, she points out that the

federal government did not make any significant step towards the recognition of minority language rights. On the contrary, the Congress is said to be promoting the use of English. Indeed, resolution 793 was approved in 2006 according to which "statements or songs that symbolize the unity of the Nation [...] should be recited or sung in English, the common language of the United States" [28]. Moreover, the Congress approved a bill called English Language Unity Act in 2017, which declares that:

> The official language of the United States is English. Representatives of the Federal Government shall have an affirmative obligation to preserve and enhance the role of English as the official language of the Federal Government. Such obligation shall include encouraging greater opportunities for individuals to learn the English language. The official functions of the Government of the United States shall be conducted in English (English Language Unity Act)[29].

All things considered, it can be argued that the Congress stresses the importance of English not only at an institutional level, but also at an individual level. However, it must be noted that the bill recognises the forging multiculturalism of the American society and specifies that the individual is free of using the language they choose. Furthermore, as concerns sign language and deaf people, the bill states that the effects "do not apply to teaching of languages and requirements under the Individuals with Disabilities Education Act"[30]. That is, the legislation does not discriminate against ASL users and use. Furthermore, Poggeschi (2010: 64) adds that the recent mindset shaped by terrorism is causing public opinion and legislators to reject immigrants and foster national unity. This attitude may have a negative influence on the linguistic approach towards minority groups as well.

Nevertheless, the USA has adopted a federal law concerning the language rights of Native Americans. The Native American Languages Act[31] was approved in 1990 and it can be considered one of the few federal laws concerning the linguistic issue directly. In particular, the Act aims at preserving and promoting the linguistic and cultural heritage of Native Americans because they are unique and need to be protected. The main focus is on education: their languages can be used in teaching and students shall be encouraged to know more about their culture, history and language.

[28] https://www.congress.gov/bill/109th-congress/house-resolution/793/text
[29] https://www.congress.gov/bill/115th-congress/house-bill/997/text
[30] https://www.congress.gov/bill/115th-congress/house-bill/997/text
[31] https://www.govtrack.us/congress/bills/101/s2167/text

However, this law cannot be applied to ASL or other sign languages of the United States. Indeed, the Act specifies that the terms Native Americans only refers to Indian, Native Hawaiian, or Native American Pacific Islander. Therefore, it can be argued that, despite the fact that ASL is considered an indigenous language by the experts in the field (Batterbury 2012), this American federal law does not concern the language rights of Deaf communities, because legislators did not consider ASL as a language of the American Native population.

4.1.4.2 ASL policy

As regards ASL policy, it can be argued that no federal law concerns sign language protection and promotion directly. ASL is mentioned in a bill which was adopted in 2017 in order to "to amend the Elementary and Secondary Education Act of 1965 to clarify that ASL students are English learners" [32]. This bill is referred to as "signing is language act" and it specifies that ASL is a language other than English; therefore it can be stated that ASL signers are to be considered as English learners similar to those students who are not born in the United States or who come from an environment where a language other than English is the dominant and had a significant impact on the individual. However, this amendment does not address Deaf people directly nor grant more protection as a linguistic minority group.

All things considered, it can be concluded that the attitude towards sign language protection is in line with the general approach to language issue in the United States. In other words, it must be taken into account that the American political class's agenda does not prioritise the linguistic issue and that the status of languages in the USA usually depends on traditions and socio-cultural power gained by the different communities. This may have a negative influence on sign language policy as well and it may make it more difficult for Deaf people to have their language rights granted at a federal level. Furthermore, the general approach tends to promote an English Only society instead of giving value to the linguistic diversity that characterises the United States and exploiting it at different levels. This may be another obstacle to the

[32] https://www.congress.gov/bill/115th-congress/house-bill/3550/text?format=txt

recognition of language rights of American Deaf communities. Another important factor that complicates sign language recognition is the nature of language rights. As discussed in the previous chapter, language rights are difficult to implement per se because they can be seen as a threat to the national unity of the state since they stresses the cultural diversity. Moreover, Schembri and Ceil (2015: 156) underline that, despite the academic community recognises sign language as a real human language, a significant factor that makes it difficult for ASL to surpass the stigma and gain more status as a language in the hearing world is the widespread use of other forms of signing such as manually coded English described in the first chapter. These methods were introduced in deaf and hard of hearing education as a teaching tool, but they are also used by many postlingually deaf and hard of hearing people who learnt spoken English as their first language. However, as argued in the first chapter, these forms of signing are not sign languages and therefore they cannot be compared to ASL in terms of cultural heritage. Nevertheless, this complicates the identification of the dimension of Deaf communities in the United States. Indeed, they have an influence on the perception of the individual as part of the Deaf community, because ASL is a requisite for membership.

Therefore, it can be concluded that all these factors, combined with the recent emphasis on the national unity of the United States and on the rejection of diversity, make it difficult for Deaf community to be granted more protection and promotion of ASL at a federal level. Consequently, the plain recognition of American Deaf communities as national minority groups with specific cultural and community needs is not considered an urgent priority by the American political class despite the calls for action made by the National Association of the Deaf at a national level.

ASL is granted some level of legal recognition at a level of single state legislation: some states have a language policy concerning ASL and make explicit reference to it, especially in the field of education (Tollefson and Pérez-Milans 2018: 450). As reported by the NAD website[33], states such as Alabama, Colorado, Arizona, Colorado, Indiana, Louisiana, Maine, Massachusetts, New Jersey Rhode Island and the District of Columbia recognised ASL as a real human language in their state law and specify that it is the language of the American Deaf community of their state. In

[33] https://www.nad.org/wp-content/uploads/2018/06/List_States_Recognizing_ASL.pdf

addition to this, ASL is also promoted by education provisions. In particular, in 5 out of 10 states that recognise ASL as the language of Deaf people, ASL classes are offered at all levels of education starting from the elementary school. Other states recognise ASL as a foreign language in their legislation: this is the case of Georgia, Kansas, Maryland, Minnesota, Nevada, North Dakota, Ohio, Pennsylvania, Texas and Vermont. In the legislation of Arkansas, California, Connecticut, Florida, Illinois, Kentucky, Michigan, Nebraska and New York, state laws mention ASL in education provisions. That is, the state authorizes public schools to offer ASL teaching classes, which grant credits as foreign language courses. This provisions are valid for public high schools as well as for colleges and universities; only in Oregon and New York, ASL classes are offered at all level of instruction (elementary, secondary and post-secondary education) whereas in the other states, the legislation makes reference to the possibility of taking ASL courses as foreign language only at a secondary level. Furthermore, some laws also establish that teachers must provide valid qualification in ASL in order to teach (Louisiana and Connecticut). ASL is not mentioned in any state law in Hawaii, Idaho, New Hampshire, Mississippi and Missouri. However, some high schools provide courses in ASL.

All things considered, it can be argued that local authorities are more active in recognising and promoting ASL in the field of education compared to the federal institutions. Indeed, the presence of ASL courses in public schools for both deaf and hearing students may increase the number of people who can sign ASL and consequently help increasing the possibility for deaf students to integrate in society. However, concrete data concerning the effective presence of students in ASL courses in public schools are needed in order to understand whether these provisions have a positive impact on society or not. Furthermore, it must be noted that the majority of states does not recognise ASL as the official language of deaf communities, but rather as a foreign language such as Spanish and French. Although this approach gives importance to ASL as a language, it can be argued that state laws do not meet Deaf community's claims completely, because the provisions do not recognise ASL as a language proper of the United States nor define Deaf communities as minority groups with specific needs.

4.1.5 ASL and disability policy

As Walker (2014) and Blanchfield and Brown (2015) argue, the American disability policy is one of the most innovative and ground-breaking policy in the world. Indeed, his influence on the UN CRPD is visible and the United States have been one of the main promoters of the Convention. Deaf people and ASL are granted some rights at a federal level thanks to the disability policy of the USA. The main laws that concern Deaf people directly are the Rehabilitation Act (1973), the Individuals with Disabilities Education Act (IDEA) of 1990, and the Americans with Disabilities Act (ADA) of 1990.

The Rehabilitation Act was adopted by the Congress in 1990; it lists which categories of people shall be considered disabled people and receive benefits from the law, which requires the federal institutions to be directly involved in the fight against social discrimination. The main aims are the provision of federal funds for vocational rehabilitation services, research, and organisations (such as the Deaf and Blind ones), the granting of basic human rights of disabled people and accessibility (Switzer 2003: 59). In particular, rehabilitation programs are funded by the state and shall facilitate access to public employment, education, courts and healthcare on the basis of the individual's needs. Section 504 establishes that disabled people must not be discriminated against their condition and must be integrated in services that receive federal funds, such as public schools.

As concerns deaf people, deafness is mentioned as a source of disability, and therefore Deaf people's rights are granted by this law. The Rehabilitation Act states that vocational rehabilitation services for the individual shall include "interpreter services provided by qualified personnel for individuals who are deaf or hard of hearing" [34]; the state is required to provide funds for public or non-profit organizations that establish interpreter training courses in order to meet deaf people's communication needs. Furthermore, the law states that information must be made accessible for disabled people, including Deaf people, by using

> telecommunications systems that have the potential for substantially improving delivery methods of activities (...) to meet the particular needs of individuals with disabilities, (...) such

[34] https://legcounsel.house.gov/Comps/Rehabilitation%20Act%20Of%201973.pdf

> as captioned television, films, or video cassettes for individuals who are deaf or hard of hearing, tactile materials for individuals who are deaf-blind and other special services that provide information through tactile, vibratory, auditory, and visual media (Rehabilitation Act)[35].

The Rehabilitation Act also takes into consideration the linguistic issue. Indeed, it establishes that the state shall provide funds

> to develop innovative methods of providing services for preschool age children who are individuals with disabilities, including
> (A) early intervention, assessment, parent counseling, infant stimulation, early identification, diagnosis, and evaluation of children (...);
> (B) such physical therapy, language development, pediatric, nursing, psychological, and psychiatric services as are necessary for such children (Rehabilitation Act)[36].

Therefore, as regards deaf people, the law recognises the importance of language and indirectly encourages research about ASL. Moreover, it requires the state "to ensure the availability of personnel [...] trained to communicate in the native language or mode of communication of an applicant or eligible individual"[37]. Language is also mentioned in relation to employment accessibility: rehabilitation programs shall provide services, including "speech, language and hearing therapy", that facilitate opportunities of employment. All things considered, it can be argued that the Rehabilitation Act introduces the linguistic needs of deaf people as disabled people in the American federal law; moreover, De Meulder et al. (2019) affirm that this legislation has had a positive impact because qualified interpreters are frequently employed in post-secondary education.

The second important federal law impacting on deaf and hard of hearing people is the Americans with Disabilities Act (ADA)[38], which was adopted in 1900. This legislation can be considered one of the most important achievement of the civil rights movement of the 1960s and 1970s (Karger and Rose 2010: 73). It requires public and private organisations and institutions to make their activities and services accessible, such as employment opportunities, courts, hospitals, museums, libraries and so forth; it also requires the state and local authorities to make education accessible to disabled children, both in terms of programs and in terms of facilities (De Meulder et al. 2019). Karger and Rose (2010: 77-78) argue that although this legislation grants civil rights

[35] https://legcounsel.house.gov/Comps/Rehabilitation%20Act%20Of%201973.pdf
[36] https://legcounsel.house.gov/Comps/Rehabilitation%20Act%20Of%201973.pdf
[37] https://legcounsel.house.gov/Comps/Rehabilitation%20Act%20Of%201973.pdf
[38] https://www.ada.gov/pubs/adastatute08.pdf

to disabled people, the positive results are said to be marginal. Nevertheless, De Meulder et al. (2019) state that ADA increased the opportunity for deaf people to use ASL outside the community; moreover, the legislation also encouraged the use of telecommunication services in order to grant interpreting in public places. However, they also point out that both local and private institutions are still reluctant to provide interpreting services because they have to bear its cost; moreover, support in the private sphere is not mentioned in the ADA and therefore deaf people must pay for it.

Another fundamental federal legislation for deaf people is the Individuals with Disabilities Education Act (IDEA). This law was adopted in 1975 under the name Education for All Handicapped Children Act but it was amended and renamed IDEA in 1990. It aims at granting proper formal education to disabled children including deaf and hard of hearing people; it establishes that each child shall follow an Individualized Education Program (IEP) and an Individualized Family Service Plan (IFSP), which are developed by the school personnel and the child's parents[39]. As concerns deaf people, De Meulder et al. (2019) report that the law defines sign language as the native language of Deaf people and that support services for deaf children in schools must be provided in ASL when the child requires it. Sign language is also mentioned in relation to early intervention services: these aim at meeting the child's developmental needs and they include services in sign language. Furthermore, the linguistic issue of deaf children is taken into consideration for the development of the IEP: the law states that the IEP shall

> in the case of a child who is deaf or hard of hearing consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and consider whether the child needs assistive technology devices and services (IDEA)[40].

The IDEA also authorises schools to prepare "personnel to be qualified educational interpreters to assist deaf and hard of hearing children in school and school related activities, and deaf and hard of hearing infants and toddlers and preschool children in early intervention and preschool programs"[41].

[39] https://legcounsel.house.gov/Comps/Individuals%20With%20Disabilities%20Education%20Act.pdf
[40] https://legcounsel.house.gov/Comps/Individuals%20With%20Disabilities%20Education%20Act.pdf
[41] https://legcounsel.house.gov/Comps/Individuals%20With%20Disabilities%20Education%20Act.pdf

4.1.6 Evaluation

All things considered, as concerns language policy, it can be argued that ASL does not have explicit recognition of status in the federal legislation of the United States. However, it is given a sort of implicit recognition thanks to the disability policy. Indeed, the interpreting service for deaf and hard of hearing people is provided by federal laws described above and therefore ASL receives visibility as an instrument for granting accessibility in many spheres of deaf people's public life (De Meulder et al. 2019). In particular, qualified ASL interpreters are members of the non-profit national organization The Registry of Interpreters of the Deaf (RID). It is important to note that while the linguistic issue is not addressed by the federal government, the disability policy is adopted at a federal level and involves the government directly.

On the contrary, ASL is granted a certain degree of explicit recognition at a level of single states. Many state legislations mention ASL as a real language; the explicit statement is relevant for education standards: ASL is considered a foreign language and therefore students are allowed to take credits both in secondary and postsecondary schools. According to De Meulder et al. (2019), this type of legislation combines status planning and acquisition planning and helps increasing the use and knowledge of ASL in the hearing society. Indeed, the number of ASL classes and pupils studying this language are said to be steadily growing, especially at a post-secondary level. However, the NAD claims that more federal provisions are required in order to grant linguistic rights to Deaf people. As stated in the NAD annual report 2017-2018, Deaf communities and organisations are campaigning for explicit recognition of ASL, acquisition planning for deaf children and public national training programs for ASL interpreters. In particular, as concerns the second, the Lead-K movement is a coalition that claims Language Equality and Acquisition for Deaf Kids, that is it campaigns for the adoption of a federal legislation that ensures early language acquisition services for deaf children (De Meulder et al. 2019). Furthermore, although the analysis showed that ASL is granted some level of recognition and has been promoted in the hearing society, it can be argued that ASL have not been explicitly recognised as a cultural heritage that belongs to the American Deaf communities as minority groups.

As concerns disability policy, it can be concluded that deaf and hard of hearing people are granted many civil rights thanks to the disability laws described above.

Moreover, these legislations also encourage the use of qualified interpreters and therefore indirectly recognise the linguistic needs of deaf people. Indeed, it can be argued that facilities and services have been made successfully accessible for deaf and hard of hearing people thanks to interpreting services. However, as concerns the relation between domestic and international law, the USA have signed but not yet ratified the UN CRPD. According to Kanter (2019: 302), the ADA was adopted as a model by the United Nations to write the CRPD; however, this latter grants more rights to persons with disabilities than ADA and it establishes more specific provisions in favour of disabled people's equality and integration in society. Therefore, Kanter (2019: 342) argues that the US government should ratify and implement the international treaty in order to reach the aims of the ADA completely. Furthermore, Compton (2014: 278-279) claims that ADA and IDEA encouraged the education of deaf and hard of hearing children in mainstream schools instead of promoting instruction in ASL. Indeed, although it is true that ASL classes and ASL use in the public sphere have increased considerably in the last decades, the education policy together with the general English Only mindset in the hearing society and the growth of cochlear implant surgery have caused a decrease in enrolment of deaf children in deaf schools and the closure of many deaf institutions (Compton 2014: 278-279). As argued in the previous chapter, these schools are vital for the survival of Deaf communities as linguistic and cultural minorities, because they are the place where d/Deaf people meet, learn ASL, Deaf culture and Deaf history and build their identity as members of a linguistic and cultural minority.

4.2 British Sign Language (BSL)

4.2.1 The British deaf and hard of hearing

The most recent figures concerning deaf people and hard of hearing people are provided by the official website of the UK government[42]. Deaf and hard of hearing

[42] https://www.gov.uk/government/publications/understanding-disabilities-and-impairments-user-profiles/saleem-profoundly-deaf-user#statistics-about-hearing-loss

individuals are estimated to be 11 million people; there are 9,235,000 people in England, 945,000 people in Scotland, 575,500 people in Wales and 287, 500 people in Northern Ireland; the 51% of these people are over 60.

Another important source of data concerning deaf people is the 2011 National Census[43]. However, the form for England and Wales was different from the Scottish one, and the purpose of the two questions concerning deaf people was different. While the former questionnaire included a general question on disability (Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?)[44], the latter specifically asked respondents to tick which form of disability applied, including "deafness or partial hearing loss", and it did not ask whether this disability limits the person on a daily basis or not (Do you have any of the following conditions which have lasted, or are expected to last, at least 12 months?)[45]. Therefore, it can be argued that the survey for England, Wales and Northern Ireland may give more subjective results compared to the Scottish one. Indeed, Deaf people who feel proud of being Deaf and not limited by their audiological condition might not tick the "yes" box and this may influence the final results. Furthermore, both surveys include a question on language and specify to indicate the non-English language used at home, including BSL. According to these data, the British Deaf Association reports that in the UK the estimated number of people using BSL is 87,000. In particular, the figures for England, Wales, Scotland and Northern Ireland are 73,000, 4,000, 7,200 and 2,500 respectively. It is important to note that the question of the survey asked for the language used at home; therefore, these figures do not take into consideration the professional users of BSL such as interpreters, unless they sign BSL at home.

As concerns the level of education, according to the recent research of the National Deaf Children's Society (NDCS), based on official data and reported by The Guardian in August 2019[46], the gap between deaf and hard of hearing children is still wide. Only 43% of deaf pupils achieve two A-levels compared to 63% of their hearing

[43] https://www.ons.gov.uk/census/2011census
[44] https://census.ukdataservice.ac.uk/media/50966/2011_england_household.pdf
[45] https://census.ukdataservice.ac.uk/media/50975/2011_scotland_household.pdf
[46] https://www.theguardian.com/society/2019/aug/13/deaf-pupils-in-england-struggle-at-every-stage-of-school-report-finds

peers; only 43% of deaf pupils reach the required standard results at the end of primary school, whereas the percentage of hearing pupils is much higher (73%). Furthermore, in 2018, the number of deaf pupils attending mainstream schools was reported to be around 80%.

4.2.2 The British Deaf community

Kyle et al. (1988: 11) state that the formation of early deaf communities is linked to the presence of tutors and preachers for the deaf in specific parishes; there they founded many deaf clubs and deaf organisations for sports and art activities. Starting from the 18th century, the industrial revolution favoured migration to cities, including deaf people, and this is claimed to have encouraged the opening of deaf schools (Brentari 2010: 479). The establishment of the first residential schools for the deaf (such as the Braidwood Academy for Deaf and Dumb in 1760) helped the formation of larger deaf communities in the surroundings of the educational institutions (Brentari 2010: 477-479). In 1877, some deaf people founded the National Deaf and Dumb Society in order to coordinate the actions of different deaf organisations and clubs around the country; the association reopened in 1890 with the name British Deaf Association (BDA) in response to Oralism, and today it the most famous national organisation for the Deaf in the UK. When compared to the American Deaf communities, British Deaf communities are less characterised by ethnic differences. Indeed, Sutton Spence and Woll (1999: 27) argue that black and white deaf children tend to go to the same schools for the deaf; therefore they use the same sign language and share a common Deaf culture.

Deaf associations in the United Kingdom have been actively campaigning for the recognition of BSL since the 1970s. The National Union of the Deaf and the British Deaf Association (BDA) published a report in 1982 in which they claimed that BSL is the fourth indigenous language of the UK and therefore deserves equal status. Moreover, the increasing attention to the linguistic issue at a European level and the adoption of the ECRML in 1992 encouraged organisations to organise several manifestations in favour of the adoption of a BSL act (De Meulder et al. 2019). The representative organisation of British Deaf communities at an international level is the

BDA. This organisation is part of the World Federation of the Deaf (WDF) at the United Nations and of the European Union of the Deaf (EUD), where BDA promotes the recognition of both BSL and ISL (Irish Sign Language).

4.2.3 History of BSL

The origins of BSL are still unknown and there is little evidence of the ancient sign language used in England before the spread of BSL. Brentari (2010: 477-479) reports that one of the earliest references to the use of signs dates back to the 16th century at a wedding celebration in Leicester. However, it is impossible to know whether those signs were related to BSL or not. More descriptions of signs started to appear in the 17th century and they seem to be related to BSL as we know it today. Therefore, it can be argued that BSL was used by British deaf people before the establishment of deaf schools. Moreover, fingerspelling was used as well: it was developed by hearing individuals and descriptions of manual alphabets date back to the end of the 17th century. However, a specific type of alphabet called Ogham is said to have been employed during the Celtic period in the 6th century B.C. It was mainly used in Ireland but also in some parts of Britain, and it consisted in assigning specific parts of the left hand to a certain letter and indicating it with the right index finger (Monaghan et al. 2003: 31). Another type of fingerspelling developed and spread throughout the UK. The so called dactylological system was described for the first time in the 1690s; it consists in assigning different handshapes to English letters and it is close to the fingerspelling employed in Britain today (Kyle et al. 1988: 249).

BSL standardisation and consolidation began thanks to the opening of the first residential school for the deaf in Scotland. As Kyle et al. (1988: 38-39) affirm, Thomas Braidwood, the founder of the Braidwood Academy for Deaf and Dumb, developed a specific teaching method which influenced BSL. The so-called combined system used the deaf pupils' signs adapted to the English spoken language in order to teach deaf people how to speak and write. By the mid-19th century, many deaf schools were founded and Braidwood's method spread across the UK; fingerspelling was widely used in class by teachers and this is how it was integrated to BSL (Brentari 2010: 479-480). Oralism spread across the UK as well after the Milan Conference in 1880 and it

caused serious intellectual and cultural damage to the British Deaf community. Ladd (2003) report that deaf people suffered from cognitive and linguistic impoverishment and in the 1970s the reading skills of deaf school leavers were equal to an 8-year-old hearing child. From then on, British Deaf communities followed the civil rights movement of the 1906s and 1970s and became politically and socially active in order to grant Deaf people and BSL the protection and rights they deserved. Moreover, Deaf activists started to criticise the Total Communication approach (TC) used in deaf children's education and campaigned for the use of BSL in classes. As Swanwick (2010: 148) states, because the TC was mainly characterised by the use of Sign Supported English (SSE) (that is the combination of spoken English and BSL), it was claimed to be encouraging monolingualism. In other words, BSL was said to be employed only to support spoken English and not as a fully independent and valid language.

The situation began to change in the 1980s, when there was a shift towards the promotion of bilingualism in education. The general trend in favour of civil and language rights, equality and inclusion combined with further research in sign language linguistics and the visible failure of teaching methods encouraged the development of bilingual practices in education. Rassool (2008: 7) adds that a major contribution to the implementation of this approach came from the academic and social different-but-equal debate of the mid 1970s: languages started being considered equally valid despite their differences and therefore suitable to be used and promoted in class. This mindset applied to BSL as well and the implementation of sign bilingualism consisted in the incorporation of BSL in class, the training of BSL interpreters and bilingual teachers, and the assessment of BSL proficiency (Swanwick 2010: 148-151).

According to the experts in the field, Deaf communities have obtained some important achievements in the promotion of BSL in education: the increase in the number of hearing and deaf teachers with a BSL qualification, the practice of assessment of deaf children's knowledge of BSL and the growth of BSL interpreters for deaf students at university. However, As Batterbury (2010: 257-259) adds, despite some achievements of Deaf communities regarding the use of BSL in public places, the general tendency is in favour of mainstreaming schools, which is also supported

by the current law on education; more support is also needed in order to provide access to BSL at an early age. Moreover, BSL is claimed to be discriminated against when compared to other autochthonous languages of the UK such as Welsh and Scots-Gaelic, as it will further discussed. In particular, the Deaf community's main aim is the promotion of BSL courses in state schools for both hearing and deaf children, as well as more protection for BSL users.

4.2.4 Language rights in the UK

4.2.4.1 Language policy in the UK

The United Kingdom has always been a multilingual country and although it has no official language, English has become the de facto dominant language. The linguistic landscape is also characterised by many immigrants' languages and two main autochthonous languages. The latter are Welsh language and Scots-Gaelic and they have a different cultural status and are relevant to the political agenda. Indeed, they are directly protected and promoted by specific laws on language. As Poggeschi (2010: 183) argues, although some protection was granted before the devolution process in 1998 (that is the granting of power to the regional Parliaments in specific fields such as education), it can be argued that the most effective legislation regarding minority languages was adopted in the late 1990s and at the beginning of the 2000s by the devolved Parliaments of Scotland, Wales and Northern Ireland.

As concerns the Welsh linguistic minority, Rassool (2008: 2) affirms that the Welsh language has always been a vivid language, which is part of the population's identity and cultural affiliation despite the resistance of the English authorities. Indeed, the education system has adopted bilingual education in the 1700s and the use of the Welsh language in schools depended on how many Welsh speakers lived in each district. As Mac Sithigh (2018: 3) reports, the language became important for the political class as well: the parliament signed the Welsh Courts Act in 1942 in order to promote the use of Welsh in courts and the Welsh Language Act in 1967. The latter granted the use of Welsh in official documents and in education but it did not bind public institutions to do the same. Moreover, in 1988, the government passed the

National Curriculum in England and Wales and the study of Welsh became compulsory for 5 to 16 year old students (Rassool 2008: 9). In 1993, the Welsh Language Act was rewritten: it established the Welsh Language Board and declared that "in the conduct of public business and the administration of justice in Wales, the English and the Welsh languages should be treated in an basis of equality"[47]. It also obliges public institutions to provide services in Welsh and it fosters the development of an effective language policy in order to promote and support the Welsh language and culture (Mac Sithigh 2018: 4). Furthermore, other laws concern the use of this minority language. As Poggeschi (2010: 183-184) states, the Government of Wales Act 1998 is similar to the Welsh Language Act in terms of provisions, the Broadcasting Act 1981 promotes Welsh language in television programmes and the Education Reform Act 1988 recognises education provided fully and partially in Welsh. One of the most recent laws concerning this minority language is the Welsh Language (Wales) Measure 2011, which officially recognises the Welsh language as the official language of the region (Mac Sithigh 2018: 8).

The second most important minority language in the UK is Scots-Gaelic. This language is spoken by a small percentage of the population but it is strongly linked to the cultural identity of Scotland as an ancient nation (Poggeschi 2010: 185). Scots-Gaelic was discouraged in education since the 18th century but it started receiving some degree of protection in the 20th century. As Rassool (2008: 9-10) argues, this minority language was mentioned in the Scotland Education Bill 1918, which fostered Scots-Gaelic teaching, but its contribution to the linguistic revitalisation was small. More protection is granted thanks to the Gaelic Language (Scotland) Act of 2005. This recent legislation took the Welsh Language Act as a model: it established the Scottish Language Board and declared Scots-Gaelic as the official language of Scotland with an equal status to English. The role of the Board is to develop a concrete plan for the minority language promotion and its introduction in education (Mac Sithigh 2018: 6). Scots-Gaelic is taught and used as the language of education in some primaries and secondary schools, but legislation does not regulate its use in courts (Poggeschi 2010: 186).

[47] http://www.legislation.gov.uk/ukpga/1993/38/pdfs/ukpga_19930038_en.pdf

As concerns Northern Ireland, its linguistic landscape is characterised by other two minority languages: Irish and Ulster-Scots. However, their protection is more problematic and less developed mainly because it has important political implications (Rassool 2008: 4). Although the teaching and use of these minorities languages have always been discouraged by the English elite, the Education Order of 1989 enables the introduction of Irish courses: moreover, the Belfast Agreement of 1998 recognised the importance of these two minority languages and established two agencies and a Language Board, which are required to deal with linguistic promotion. This is said to have caused an increase in Irish schools, whereas the protection and promotion is claimed to be still weak Ulster-Scots (Rassool 2008: 9, 13).

All things considered, it can be argued that the linguistic diversity is considered an important issue in the United Kingdom. Despite the strong social power of English, the protection and promotion of indigenous minority languages have been an important point in the political agenda of local governments after devolution. Moreover, domestic language policy is also positively influenced by the European legislation concerning minority languages. In particular, the European Charter for the Regional Minority Languages (ECRML) of 1992 is said to have strongly supported and fostered the increase in protection and promotion activities for Welsh, Scots-Gaelic and Ulster-Scots, especially in the field of education (Rassool 2008: 12 and Mac Sithigh 2018).

4.2.4.2 BSL Scotland Act 2015: Scottish law

As concerns sign language policy and legislation, it can be argued that BSL is granted less legal protection than the other minority languages of the UK despite its de facto status as a historic indigenous language. As reported by Batterbury (2010: 28), the British central government has not signed any BSL specific legislation yet. Following the manifestations and claims of the British Deaf communities in the last decades of the 20th century, the Department for Work and Pensions (DWP) declared that BSL was an official language of Britain in 2003. However, it did not provide enough funds nor did it set up an effective language policy in order to protect and promote the use

of this sign language and its related British Deaf culture. Sign language is named in the Broadcasting Act of 1996. In particular, the law states that

> the commission shall draw up and review a code giving guidance as to the extent to which digital programme services and qualifying services should promote the understanding and enjoyment by persons who are deaf and hard of hearing (…) of programmes: (…) subtitling for the deaf (…) presentation in, or translation into, sign language. (…) the code may require a specified percentage of so much of any digital programme service as consists of programmes which are not excluded programmes in relation to presentation in, or translation into, sign language, to be so presented or translated (Broadcasting Act)[48].

On the contrary, BSL was legally recognised with the BSL (Scotland) Act by the Scottish government in 2015 after many rounds of consultations with the Deaf community and many parliamentary debates from 2000 to 2014. According to De Meulder et al. (2019), this achievement at a regional level was possible thanks to the close relationship in the Scottish parliament between the representatives of Deaf people and the other members. Another factor that helped the adoption of the Act was the pressure made by the Scottish Council on Deafness (SCoD): it established close alliances with deaf organisations and at the same time it claimed more rights and equal treatment for deaf people at the government's equality unit in charge of eliminating discrimination and promoting human rights. Moreover, the representatives of the BDA and members of the Scottish Deaf community were consulted throughout the parliamentary debates. This allowed the latter to explain the priorities of Deaf people and to claim for support especially in education (De Meulder et al. 2019).

Legislators took the Gaelic Language Act of 2005 as a model; the Act legally obliges public institutions to facilitate the use of BSL and the Scottish government to develop a plan and promote BSL. The current 2017 plan aims at increasing the use of BSL and knowledge of Deaf culture among both deaf and hearing people in ten years (De Meulder et al. 2019); provisions concern many fields: Scottish Public Services, Family Support, Early Learning and Childcare, School Education, Post-School Education, Training, Work and Social Security Health, Mental Health and Wellbeing, Transport, Culture and The Arts, Justice, and Democracy. In particular, the National Plan states that many groundbreaking measures will be taken in relation to early exposure to sign language and education. The ministers are required to:

[48] http://www.legislation.gov.uk/ukpga/1996/55/contents

> Improve access to early years services for parents by developing information about BSL and Deaf culture for service providers; assist families of D/deaf and Deafblind children by ensuring that they have access to BSL resources as early as possible in their child's life. This will include consulting with BSL users and other stakeholder; develop BSL resources and advice; determine the best way of enabling families and carers to learn BSL so that they can communicate effectively with their D/deaf or Deafblind child in the crucial early years (0-8 years) (National Plan)[49].

Furthermore, the goals of the Act in the field of education are the implementation of qualified training services for BSL teachers, teachers who work with deaf and deafblind pupils and BSL learners, the inclusion of BSL as a language course in school programmes for both hearing and deaf children, and the accessibility to post-secondary education and apprenticeship programmes. As concerns the other spheres included in the Act, the law requires institutions to make information, jobs and services accessible and available to deaf people by employing interpreters and informational brochures. Moreover, the government is obliged to provide funds for supporting these provisions (National Plan).

All things considered, it can be argued that the BSL (Scotland) Act 2015 has the potential to ensure protection and promotion to BSL in the majority of public and social settings; moreover, Deaf culture is mentioned as well and the Act requires institutions to promote the knowledge of its cultural importance among deaf and hearing people. However, when compared to legislation concerning the other minority languages described in the previous section, this Act does not establishes a specific BSL Board that can focus exclusively on the fully implementation of this legislation. Furthermore, as De Meulder (2017: 224) argues, "the right to access to services is understood and implemented differently for deaf signers than for other language minorities". She explains that deaf people can access services through BSL interpreters, whereas Welsh and Gaelic speakers do not have the need for this service, because the personnel of public institutions are required to take a course of Gaelic and Welsh. Moreover, De Meulder et al. (2019) point out that the total implementation of this Act would require considerable costs to grant bilingual services and support for deaf people; however, local authorities are said to be still reluctant to face such financial costs. Furthermore, the belonging to a double category (linguistic minority

[49] https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2017/10/british-sign-language-bsl-national-plan-2017-2023/documents/00526382-pdf/00526382-pdf/govscot%3Adocument/00526382.pdf

and disabled persons) has an impact in the implementation of BSL policy, because the general trend is in favour of mainstream schools and cochlear implants, which are supported by a strong disability policy enacted with the Equality Act 2010 (De Meulder 2017: 217).

4.2.5 BSL and disability policy

One of the most relevant legislations concerning deaf people's rights in the UK is the Equality Act. This law was adopted by the Parliament in 2010; it enacts the UN CRPD 2006 and aims at "reducing socio-economic inequalities" (Batterbury 2012: 257 and Fell and Dyban 2017: 188). As reported in the official website of the British government, the Equality Act "replaced previous anti-discrimination laws with a single Act" [50]. It protects some categories with specific characteristics, among which there is disability, but it does not mention language nor ethnic affiliation. It defines disability as "a physical or mental impairment that has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities"[51]. The Act "imposes a duty to make reasonable adjustments" when a provision, criterion or practice, a physical feature or the absence of auxiliary aids or services "put the disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled"[52]. Moreover, the Equality Act also concerns disabled people's protection against discrimination in education. In particular, it states that

> (1) The responsible body of a school to which this section applies must not discriminate against a person
> (a) in the arrangements it makes for deciding who is offered admission as a pupil;
> (b) as to the terms on which it offers to admit the person as a pupil;
> (c) by not admitting the person as a pupil.
> (2) The responsible body of such a school must not discriminate against a pupil
> (a) in the way it provides education for the pupil;
> (b) in the way it affords the pupil access to a benefit, facility or service;
> (c) by not providing education for the pupil;
> (d) by not affording the pupil access to a benefit, facility or service;

[50] https://www.gov.uk/guidance/equality-act-2010-guidance
[51] https://www.gov.uk/guidance/equality-act-2010-guidance
[52] http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf

(e) by excluding the pupil from the school;
(f) by subjecting the pupil to any other detriment (Equality Act)[53].

It also requires educational institutions to make reasonable adjustments in order to make education accessible. However, no explicit reference to d/Deaf and hard of hearing people and their linguistic needs has been found. Nevertheless, it could be argued that "auxiliary service" may include the provision of interpreting service for the deaf; moreover, the Department for Education "published non-statutory advice (...) to help schools to understand how the Equality Act affects them and how to fulfil their duties under the Act"[54], in which deaf children are mentioned when the department states the provision of hearing aids as example of auxiliary aids to foster equal access to education. Furthermore, as concerns education, it must be noted that other laws under the umbrella of disability policy concerning education have been adopted: the Education Act 1996[55] and the Special Educational Needs and Disability Act 2001[56]. However, neither of the two mention deaf people directly or their linguistic needs.

Although it can be argued that the Equality Act grants more rights to disabled people and favour equal access to information and services, the BDA published a report for the House of Lord's Select Committee in 2015, in which it assessed the implications for deaf people. According to this report, although it is true that Deaf people are granted more rights than the other linguistic minorities thanks to their belonging to a double category (namely minority group and disability group), it is also true that provisions have not been enough to grant equal access to deaf people. Indeed, the gap between hearing and deaf students' achievements in education is still considerably high and Deaf people still report exclusion from employment and civil engagement. Furthermore, the report points out that the Equality Act did not address Deaf people's linguistic issue or their need to have their culture protected and promoted. In other words, the cultural, linguistic and social value of BSL and Deaf culture has not yet been recognised by the government. Moreover, the BDA argues

[53] http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf
[54] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/315587/Equality_Act_Advice_Final.pdf
[55] http://www.legislation.gov.uk/ukpga/1996/56/contents/data.pdf
[56] http://www.legislation.gov.uk/ukpga/2001/10/contents

that the British government has failed to implement the obligations of the UN CRPD, which mentions sign language, and the organisation claims for a BSL Act that grants more specific linguistic protection.

4.2.6 Evaluation

All things considered, it can be argued that the United Kingdom has always been characterised by an internal multilingual landscape, which has a huge impact on citizens' cultural identity. However, the central government does not deal with linguistic diversity, which is still perceived a problem and not a resource; on the contrary, it seems to be in favour of monolingualism (De Meulder 2017: 218). Indeed, as described in the previous sections, the most remarkable achievements regarding minority language protection and promotion are due to regional governments' commitment.

Despite a strong activism at a domestic and international level for the recognition of BSL, the British Deaf community's most urgent needs have not been met yet. According to Batterbury (2010: 29) the lack of legal recognition of BSL and governmental funds for its promotion is also due to the absence of sign languages in the European legislation concerning minority languages. Indeed, as argued in the previous sections, the adoption of the ECRML in 1992 had a great influence in the UK: supporters of Scots-Gaelic and Welsh could claim and receive more protection of these minority languages, because the state was forced to provide funds for their promotion in different fields. On the contrary, more protection for BSL has been granted in Scotland, even though there are less BSL users than in England and the struggle for recognition is less (De Meulder et al. 2019). One of the main reasons for this success was the balance of power. Indeed, important organisations which dealt with deaf people's rights as a disability category established important alliances with Deaf organisations and this enabled the linguistic issue to be on the political agenda of the Scottish government. However, disability policy is stronger than language policy and Deaf people's double category makes it difficult for Deaf communities to be granted full language rights as a linguistic minority. Indeed, they are mainly labelled as disabled people and encouraged to enrol in mainstream schools and

undergo cochlear implant surgery. Nevertheless, the disability policy is not able to meet Deaf people's most urgent needs despite international laws such as the UN CRPD, which obliges the states to take provisions in favour of sign languages regarding deaf people social and civil integration.

4.3 New Zealand Sign Language (NZSL)

4.3.1 The New Zealand deaf and hard of hearing

The most recent official figures regarding the number of deaf and hard of hearing people in New Zealand are provided by the 2018 National Census[57], which is conducted every five years. The estimated number of deaf and hard of hearing people is 496,257 (10%). The census form[58] explicitly asked if the individual had "difficulty hearing, even if using a hearing aid" and the individual had to tick one choice ("no", "some" or "a lot of difficulty" or "cannot do it at all"). The data included people aged five and over. Furthermore, the census asked a specific question about language: those interviewed were asked "in which language(s) they could have a conversation about a lot of everyday things" and the choices were English, Maori, Samoan, New Zealand Sign Language or others (specify)"[59]. However, as McKee (2017: 332) reports, the survey does not ask respondents to specify whether these languages are first, second or third languages. According to the findings, the estimated number of New Zealand signers is 23,490. To be precise, New Zealand Sign Language (NZSL) is used by 22,986 (that is 0.4% of the entire population and 4.6% of the deaf and hard of hearing population). The same percentage is found in the previous census run in 2013. However, there is a significant decrease of 25% between 2001 and 2013, which is said to mirror the latest trend in favour of cochlear implant surgery and mainstreaming education (McKee 2017: 333). Other sign languages appear in the results as well: ASL

[57] https://www.stats.govt.nz/2018-census/
[58] https://www.stats.govt.nz/assets/Reports/2018-census-design-of-forms/2018-Census-Design-of-forms.pdf
[59] https://www.stats.govt.nz/assets/Reports/2018-census-design-of-forms/2018-Census-Design-of-forms.pdf

(129), AUSLAN (Australian Sign Language 30) BSL (48) and sign languages not further defined (297).

4.3.2 The New Zealand Deaf community

As in the other countries that have been analysed in this dissertation, the largest New Zealand Deaf communities formed in the surroundings of deaf schools. The current institutions that provide national deaf education services are the Van Asch Deaf Education Centre in Christchurch, which provides its services on the South Island and in the lower part of the North Island, and the Kelston Deaf Education Centre in Auckland, which covers the upper part of the North Island. The two institutions are governed by a combined board, which was established by the Ministry of Education in 2012 and sets the same goals for both centres. The other deaf schools closed due to lack of deaf students and funds. Moreover, according to Bell et al. (2005: 277-278), the change in education methods created a generational difference in the attitude towards NZSL. Older signers who were educated during the Oralist period are claimed to be more inclined to lip-reading, whereas younger generations have a more positive and proud attitude towards NZSL, but they also use more fingerspelling than the other group.

Auckland is also the city where the headquarters of the New Zealand national association of the Deaf is located. As reported on their official website[60], the New Zealand Association of the Deaf (NZAD) was established in 1977 with the aim of improving Deaf social, working and education achievements as well as promoting NZSL. Other offices were opened in Christchurch and in Wellington during the 1980s in order to provide support and services for the Deaf nationwide. One of the main successes of the Association in the early days was the introduction of teletext and caption services on television and the start of the first training course for NZSL interpreters. Moreover, it supported linguistic research and helped the writing of the first NZSL dictionary, which was published in 1997. The institution changed its name into Deaf Association of New Zealand in 1993 and then into Deaf Aotearoa in 2009

[60] https://deaf.org.nz/about/history/ and https://signdna.org/feature/deaf-aotearoa-new-zealand/

(Aotearoa is New Zealand in Maori). It represents the country at the WFD (World Federation of the Deaf). Today, Deaf Aotearoa supports Deaf people in various fields, it organises national and local events to promote NZSL awareness, and it developed a specific plan called "first signs" to support families and deaf children age 0-5. It also coordinates local Deaf communities and it provides the national NZSL interpreting service called "isign". As concerns the general trend in the Deaf community, McKee (2017: 333-334) reports that participation in Deaf community events and is steadily decreasing. Moreover, the presidents of the two biggest Deaf clubs (Christchurch and Auckland) affirmed that the number of Deaf members is believed to be a small percentage of the entire deaf population in New Zealand, that is the majority of deaf NZSL users are still not integrated into the Deaf community.

Another relevant characteristic of the New Zealand Deaf community is the presence of Deaf Maori. These people find themselves in a peculiar situation, as they come into contact with three different cultural groups: the Deaf, Maori and the speaking community. As Maori and Pakeha (Pakeha is the Maori word to indicate European descendants and other non-Maori New Zealand people) Deaf people have been educated at the same schools for the deaf and they participate in the same Deaf events and organisations, NZSL is used by both ethnic groups. However, Maori Deaf appear to have little contact with their indigenous culture due to the lack of Maori teachers and Maori adults that can become role models and transmit their culture to new generations. The visibility of Maori Deaf is said to be changing due to the commitment of this community itself, who is trying to find its own identity within the Maori and the Deaf community (Mckee and Awheto 2010: 88-90).

According to Powell and Hyde (2014: 8-10), the current trend in New Zealand reflects that of other countries: the majority of d/Deaf children attend mainstream schools (95%) and only a small percentage are enrolled in the only two remaining deaf institutions in Christchurch and Auckland. This combined with the increase in cochlear implant surgery in New Zealand is claimed to have a negative impact on the Deaf community, because new born Deaf children have little contact with Deaf role models. Moreover, although current legislation provides interpreters and tutors at

primary and secondary levels of education, according to recent reports[61], the numbers of specialised personnel in mainstream education is not enough to satisfy Deaf people's needs and to promote NZSL at school. Moreover, the government's provisions do not apply to post-secondary education (Powell and Hyde 2014:10-12).

4.3.3 History of NZSL

NZSL belongs to the BASNZL language family and therefore is related to BSL and AUSLAN (Australian Sign Language) but not to ASL. NZSL is believed to have originated from British Deaf immigrants who arrived in New Zealand in the 19th century and then developed some local varieties that differentiated it from BSL spoken in the UK (Brentari 2010: 480). There is little evidence of the existence of previous sign languages spoken in New Zealand, but, it is known that private hearing teachers for the deaf worked in New Zealand from the second half of the 1860s (Powell and Hyde 2014: 2)

As for the other two languages described in the previous sections, a major contribution to the consolidation and spread of NZSL was given by the establishment of deaf schools. The first deaf institution was opened by the German oralist Gerrit Van Asch in Christchurch in 1880 with the name "Sumner Deaf and Dumb Institution" (today known as van Asch College, which is one of the two most renowned deaf schools together with the one in Auckland, which opened in 1952). The school was founded after the Milan Congress and it employed the Oralist method that was used in other countries as well (Bell et al. 2005: 273). This favoured the development of NZSL varieties, because the language was used only in the playground and dormitories. The absence of deaf teachers in schools also hindered the intergenerational transmission of a common Deaf language and culture, and this led to geographical variation as well (Brentari 2010: 481-482). Despite Oralism, Deaf communities started developing in the surroundings of deaf schools: they opened Deaf clubs and started many organisation in support of Deaf community life. Many deaf

[61] https://www.stuff.co.nz/national/education/112323629/deaf-children-need-better-access-to-new-zealand-sign-language-to-close-the-education-gap

children were sent to renowned deaf schools in Australia and brought some linguistic variation in New Zealand communities (Brentari 2010: 482).

The advance in academic research on sign languages, the civil rights movement of the 1960s and 1970s, the Maori's achievements as an indigenous minority and the visible failure of the Oralist method influenced New Zealand Deaf community as well, and they became more active in promoting NZSL (McKee et al. 2007: 36). In 1979, Deaf education centres adopted Australasian Signed English as a teaching tool. However, this manual code was different from the NZSL used by Deaf people. Greater attention was given to NZSL in the 1990s and the main deaf institution Kelston Deaf Education Centre in Auckland moved from the Total Communication Approach to bilingualism in the first half of the 1990s, followed by the Van Asch College in 1997 (Bell et al. 2005: 274).

Moreover, Deaf teachers and Deaf mentors are increasingly being employed in Deaf centres and in mainstream schools (Powell and Hyde 2014: 4). As fingerspelling was introduced only in the 1980s, there is a generational difference between older and younger Deaf signers: the former use less fingerspelling than the latter (Bell et al. 2005: 289-290). In 1997 the first dictionary of NZSL was compiled; NZSL was granted official status in 2006 and it is not only considered a minority language, but also an indigenous language of Aotearoa at the same level as the Maori language (Bell et al. 2005: 276-277).

Another characteristic feature of NZSL is the presence of Maori signs. As McKee et al. (2007: 31-32) state, Maori signs express Maori concepts in sign language; this is due to the increasing contact between Maori people and English-speaking people, which led to the borrowing of Maori words and Maori principles in English and consequently in NZSL as well. However, Maori signs are not only becoming part of basic NZSL lexicon, but they also carry a cultural identification with Aotearoa's indigenous population. Indeed, although they are slowly being integrated in the general use by Deaf people, they are still mostly unfamiliar to the majority of signers and they are restricted to certain Deaf signers who are in contact with the Deaf Maori network (McKee et al. 2007: 73).

4.3.4 Language rights in NZ

4.3.4.1 Language policy in New Zealand

New Zealand has three official languages: English, Maori and NZSL. English is still not granted official status by the constitution or any other law; however, it can be argued that it is the de facto official language of Aotearoa. In 2018 the English as an official language of New Zealand Bill was submitted to the Parliament in order to formally recognise English as official. Maori language was declared official by the government with the Maori Language Act in 1987 and NZSL was recognised as another official language with the New Zealand Sign Language Act in 2006.

The government set up a national language policy in 1992, when it published the Aoteareo, a language policy framework that has never been adopted. The language policy issue emerged thanks to campaigns of many independent organisations such as the New Zealand Association of Language Teachers (NZALT) who demanded a national plan (Nicholson 2012: 17). However, Aoteareo has never been implemented and the linguistic issue has been dealt within different departments of the government, especially the Ministry of Education, and various influential organisations.

As concerns the Maori language, it was officially recognised in 1987 with the Maori Language Act, which took the Welsh Language Act 1967 as a model (Reffell and Mckee 2009: 13). This legislation declares Te Reo Maori as an official language of New Zealand and grants the "right to speak Māori in any legal proceedings whether or not they are able to understand or communicate in English or any other language"[62]. Moreover, "where any person intends to speak Māori in any legal proceedings, the presiding officer shall ensure that a competent interpreter is available"[63]. The Act also establishes the Māori Language Commission called Te Taura Whiri i te Reo Māori. The functions of the commission are:

> (a) to initiate, develop, co-ordinate, review, advise upon, and assist in the implementation of policies, procedures, measures, and practices designed to give effect to the declaration of the Māori language as an official language of New Zealand;
> (b) generally to promote the Māori language, and, in particular, its use as a living language and as an ordinary means of communication;
> (c) the functions conferred on the Commission in relation to certificates of competency in the Māori language;

[62] http://www.legislation.govt.nz/act/public/1987/0176/latest/whole.html
[63] http://www.legislation.govt.nz/act/public/1987/0176/latest/whole.html

> (d) to consider and report to the Minister upon any matter relating to the Māori language (Maori Language Act)[64].

Furthermore, the Act entitles the Commission to:

> (a) conduct, hold, or attend all such inquiries, hearings, or meetings as the Commission thinks desirable to enable it to determine the views and wishes of the Māori community in relation to the promotion and use of the Māori language; and
> (b) undertake or commission research into the use of the Māori language; and
> (c) consult with and receive reports from government departments and other bodies on the use of Māori language in the course of the conduct of the business of those departments or other bodies, whether by their staff or by people with whom they have official dealings; and
> (d) publish information relating to the use of the Māori language; and
> (e) report to the Minister on any matter relating to the Māori language that the Commission considers should be drawn to the Minister's attention
> (Maori Language Act)[65].

Another important provision of the Act is the certificate of competence in Maori Language:

> (1) The Commission shall grant a certificate of competency in the Māori language to any person who applies to the Commission for such a certificate and satisfies the Commission that he or she is qualified to be the holder of such a certificate.
> (2) Every certificate of competency in the Māori language shall be one of the following 3 kinds:
> (a) a certificate of competency in the interpretation of the Māori language;
> (b) a certificate of competency in the translation of the Māori language;
> (c) a certificate of competency in the interpretation and translation of the Māori language.
> (...) The Commission shall prepare, and publish in such manner as it thinks fit, criteria by which competence in the interpretation or translation of the Māori language is to be assessed (Maori Language Act)[66].

It can be argued that the Act is an important step towards the promotion and revitalisation of the Maori language, which was strongly discriminated against in previous centuries. However, Jones (2015: 112) argues that the legislation lacks many important provisions, because it does not foster an active shift towards English-Maori bilingualism and fails to grant the use of Maori language in other domains such as education, media, public authorities and so forth. Indeed, although it is true that some departments have adopted a double name (English and Maori), the existing law does not force local authorities and public institutions nor place names and signs to be bilingual (Jones 2015: 116-117). Nevertheless, despite the absence of a national language policy concerning Te Reo Maori, many departments of the New Zealand Government have adopted legislation that promotes this indigenous language, such as

[64] http://www.legislation.govt.nz/act/public/1987/0176/latest/whole.html
[65] http://www.legislation.govt.nz/act/public/1987/0176/latest/whole.html
[66] http://www.legislation.govt.nz/act/public/1987/0176/latest/whole.html

the Broadcasting Acts 1989 and the Maori Television Service Act 2003 (Jones 2015: 118). Furthermore, the Ministry of Maori Development has implemented the Maori language Strategy; this has been supported by other provisions in the field of education, such as the Maori Education Strategy (Menken and Garcia 2010: 148). However, Jones (2015: 120) claims that the Strategy is limited, because it mainly involves the Maori community and not the entire nation, and the main achievements in Maori Language promotion and learning are due to the commitment of the Maori community.

4.3.4.2 NZSL policy

In 2006, the government of Aotearoa passed the New Zealand Sign Language Act, which grants constitutional recognition (Reffell and Mckee 2009: 1). According to De Meulder (2015: 166), NZSL is one of the eleven sign languages around the world that has been granted the highest status so far. The model for this legislation was the Maori Language Act 1987 and the main purpose of this law was to make amends for the discriminatory approach to the language in previous decades. The drafting process involved the Deaf community, whose representative members were consulted in order to understand better the Deaf community's aspirations regarding their language (Reffell and Mckee 2009: 12-13). According to McKee and Manning (2015: 476), the Act was the successful result of the pressure made by the Disability Office, which had close connections with the national deaf Association. The Act provides a definition of Deaf community and NZSL:

> In this Act, unless the context otherwise requires, Deaf community means
> (a) the distinct linguistic and cultural group of people who are deaf and who use New Zealand Sign Language as their first or preferred language; and
> (b) people who are deaf and who identify with the group of people referred to in paragraph (a).
> (...) New Zealand Sign Language or NZSL means the visual and gestural language that is the first or preferred language in New Zealand of the distinct linguistic and cultural group of people who are deaf.
> (New Zealand Sign Language Act)[67]

Like the Maori Language Act, the NZSL Act declares NZSL to be an official language of New Zealand and grants:

[67] http://www.legislation.govt.nz/act/public/2006/0018/latest/whole.html

> the right to use New Zealand Sign Language in any legal proceedings where the person's first or preferred language is NZSL. (...) Where the presiding officer in any legal proceedings is aware that any person entitled to use NZSL in those proceedings intends to do so, the presiding officer must ensure that a competent interpreter is available (NZSL Act)[68].

Furthermore, the legislation affirms that:

> A government department should, when exercising its functions and powers, be guided, so far as reasonably practicable, by the following principles:
> (a) the Deaf community should be consulted on matters relating to NZSL (including, for example, the promotion of the use of NZSL);
> (b) NZSL should be used in the promotion to the public of government services and in the provision of information to the public;
> (c) government services and information should be made accessible to the Deaf community through the use of appropriate means (including the use of NZSL).
> (NZSL Act)[69].

The government is also required to write a report on the implementation of the Act.

Although it can be argued that NZSL has been granted the highest level of recognition and that this Act fosters the use of this language and the visibility of its users, it can also be argued that this legislation lacks many urgent provisions that are needed in order to grant NZSL and Deaf culture enough protection and promotion. First of all, when compared to the Maori Language Act 1987, the NZSL Act does not establish a separate board that handles the linguistic issue of the Deaf community and sets up a specific plan to implement NZSL rights in various domains (Reffell and Mckee 2009: 13). Secondly, the law does not bind public authorities and other public institutions such as schools and hospitals to use NZSL, nor does it specify actions to grant an interpreting service in fields other than the jurisdictional setting. Therefore, it can be argued that NZSL Act represent an important achievement for Deaf people, but this legislation alone is not enough to safeguard their culture and language.

Compared to the Maori Language, NZSL vitality is not regularly assessed by the government and this causes a lack of guidelines to understand the most important priorities and areas of intervention to promote this language (McKee 2017: 323). In 2014, the University of Wellington funded an independent project to evaluate the vitality of NZSL and the impact of the NZSL Act. As reported in the official document by McKee and Vale (2014), the survey respondents agreed in affirming that although the act helped increase access to services, the vitality of NZSL and the Deaf

[68] http://www.legislation.govt.nz/act/public/2006/0018/latest/whole.html
[69] http://www.legislation.govt.nz/act/public/2006/0018/latest/whole.html

community is decreasing and still threatened by the general mainstreaming and medical trends. Moreover, Reffell and Mckee (2009: 15) also affirm that the Act fails in promoting a cultural view of deafness and in counterbalancing the current national (and also international) shift towards English monolingualism and cochlear implant surgery. McKee and Manning (2015: 478-479) add that the lack of provisions regarding NZSL in education indirectly favours the mainstreaming of deaf children, which is supported by the current law on education, as is happening worldwide. They also affirm that the NZSL Act provides only status planning and therefore it has a strong symbolic impact but it is not a strong legislative instrument that can grant the Deaf community its rights as a cultural and linguistic minority. Furthermore, it must be noted that the Act makes no explicit reference to Deaf culture: although the Deaf community is internationally recognised as a linguistic and cultural minority group, the Act states no provisions in order to promote Deaf culture together with NZSL.

Despite the absence of a NZSL Board in the NZSL Act 2006, the Cabinet established the NZSL Board in 2014. As reported on the official website, the Board was founded after the Human Rights Commission declared NZSL to be vital for the inclusion of Deaf people in 2012. This institution was also strongly recommended by the Office for Disability Issue and it aims at helping "the Government meet its commitments under the United Nations Convention on the Rights of Persons with Disabilities and its obligations under the NZSL Act 2006" [70]. The government also established a NZSL Fund in order to support the Board's actions (further analysis will be provided in the following section).

Furthermore, NZSL has been the object of a special plan of the Ministry of Education in 2006, called New Zealand Sign Language in New Zealand Curriculum[71], which aims at implementing NZSL in the New Zealand Curriculum. The guidelines are designed to help teachers to implement programmes that foster the learning of NZSL and broaden the knowledge of Deaf Culture among hearing and deaf pupils; for this reason, the plan was drafted in collaboration with the Deaf community and experts in NZSL teaching. The plan specifies that the aims of this new curriculum are to:

[70] https://www.odi.govt.nz/nzsl/about-board/board-members-2/
[71] http://learning-languages.tki.org.nz/Language-Resources/NZ-Sign-Language

1) promote and encourage the learning of NZSL and Deaf culture from the earliest practicable age;
2) promote and use NZSL in a range of contexts;
3) make learning opportunities in NZSL accessible to all learners;
4) collaborate with community members in programmes that are responsive to Deaf community needs and initiatives;
5) affirm ties with Deaf communities throughout New Zealand;
6) enable learners whose first language is NZSL to develop and learn their language within the national curriculum framework (New Zealand Sign Language in New Zealand Curriculum)[72].

In other words, the plan fosters contact between the hearing and Deaf world by promoting not only the learning of NZSL but also collaboration with Deaf community members. Moreover, it focuses its attention on Deaf pupils as well, by enabling them to develop more linguistic skills in their first language, that is NZSL. The guidelines specify the importance of transmitting Deaf culture as part of the NZSL teaching programme and it makes some suggestions regarding the classroom setting in order to facilitate visual-gestural communication. It also encourages teachers to contact the Deaf community and encourage it to participate in some teaching activities. Furthermore, a complete framework of competences and skills to be reached is set out in the plan: it concerns primary and secondary education, as well as a programmed planning for early childhood education settings. However, according to the most recent study on the vitality of NZSL in 2014, the implementation of NZSL in schools is still very limited. Furthermore, parents claim to receive little support for language learning and little opportunity to meet Deaf adults and children to interact with. The medical view of deafness is still said to be widespread: public funding for cochlear implant surgery and the lack of support for early NZSL acquisition are still a relevant issue for the Deaf community despite the formal recognition of NZSL as an official language of Aotearoa (McKee and Manning 2015: 488-489).

4.3.5 NZSL and disability policy

New Zealand has no specific legislation concerning the rights of persons with disability. This issue is addressed in the New Zealand Bill of Rights Act 1990 and in

[72] http://learning-languages.tki.org.nz/Language-Resources/NZ-Sign-Language

the Human Rights Act 1993. In particular, the former mentions linguistic rights by stating that:

> a person who belongs to an ethnic, religious, or linguistic minority in New Zealand shall not be denied the right, in community with other members of that minority, to enjoy the culture, to profess and practise the religion, or to use the language, of that minority
> (New Zealand Bill of Rights Act 1990)[73].

Nevertheless, neither of the two Acts addresses the linguistic issue of Deaf people or of other cultural minorities. A step forward towards Disability rights has been made thanks to the implementation of the first New Zealand Disability Strategy in 2001. The current Strategy 2016-2026 mentions the Deaf community and Maori community's linguistic needs and protection. It recognises that "Deaf people identify as part of the Deaf community with its own unique language and culture, and do not always identify as being disabled"[74]. In the Education section, it states that:

> education is provided in a way that supports our personal, academic and social development, both in and out of the formal schooling system. This includes making sure that those of us who use different languages (in particular New Zealand Sign Language), and other modes or means of communication, have ready access to them to achieve and progress[75].

New Zealand was also one of the main promoters of the UN Convention on the Rights of Persons with Disabilities (CRPD); it is also implementing the CRPD and submitting the due reports to the commission. It can be argued that international law on this matter has a relevant impact on New Zealand domestic legislation. Indeed, as McKee and Manning (2015: 481-483) highlight, the report of the Human Rights Commission strongly recommended more action towards the preservation of NZSL. In particular, it stated that the community requires more support from the government, especially in early acquisition, education and interpreting services.

As McKee and Manning (2015: 481-483) argue, in response to the results of this enquiry, the NZ government decided to establish the NZSL Fund in 2014, which will provide resources in order to support NZSL protection and promotion in various domains. Furthermore, in order to meet the commitments under the CRPD, the Office for Disability Issue, which was opened in 2002, strongly fostered the creation of a

[73] http://www.legislation.govt.nz/act/public/1990/0109/latest/DLM224792.html
[74] https://www.odi.govt.nz/nz-disability-strategy/about-the-strategy/new-zealand-disability-strategy-2016-2026/read-the-new-disability-strategy/new-zealand-disability-strategy-read-online/
[75] https://www.odi.govt.nz/nz-disability-strategy/about-the-strategy/new-zealand-disability-strategy-2016-2026/read-the-new-disability-strategy/new-zealand-disability-strategy-read-online/

NZSL Board. This was established in 2015 and developed the New Zealand Sign Language Strategy 2018–2023[76] under the umbrella of the disability label. As reported in the official document, NZSL is more visible in social settings, but the number of signers among the deaf population is decreasing. Therefore, it can be considered an endangered language that needs concrete protection and support. The five main points of the plan are acquisition, access/use, attitude, documentation and status. The plan adds more goals to the existing policies for Deaf people. For instance, while supporting the provisions in the field of education and social inclusion that are the focus of previous legislation on NZSL promotion, the Strategy has the following aims: the training of educators and teachers who can sign NZSL at an appropriate level; the increase in intergenerational transmission of NZSL and Deaf culture; the accessibility of public services thanks to interpreting services, technological support and NZSL fluent personnel; the development of a positive attitude towards deafness, Deaf culture and NZSL among hearing and Deaf communities; the increase in linguistic research on NZSL and Deaf culture, in documents in and on NZSL; the development of the NZSL dictionary; the drafting and implementation of more policy concerning NZSL and Deaf community minority rights directly; the collaboration between government, institutions and Deaf communities.

4.3.6 Evaluation

All things considered, it can be argued that the linguistic diversity of New Zealand has been an important political issue in recent decades. Despite its isolated location, New Zealand is significantly influenced by international trends, which have helped creating the right environment for the Deaf community's linguistic claims. Indeed, the civil and human rights movements of the 1960s and 1970s, combined with the general tolerant attitude of the central government and New Zealand population towards minority groups and multiculturalism (Ward and Masgoret 2008), may have favoured the achievements in minority rights of Maori and Deaf communities.

[76] https://www.odi.govt.nz/assets/Uploads/NZSLStrategy2018-2023-v2019-July.pdf

Furthermore, it can be argued that the success of the indigenous Maori population in obtaining legal recognition and protection have strongly encouraged NZSL Deaf users to campaign for their rights as a linguistic minority that is equally worth protection as the Maori. Indeed, the NZSL Act 2006 was drafted on the model of the Maori Language Act 1987 and grants NZSL the same constitutional status as Te Reo Maori. However, although the two languages are equally valid in the legal system, it can be argued that more protection is given to the Maori language than to NZSL. The provisions established by the two acts are mainly the same; however, the creation of the Maori Language Board has been found to make a significant difference in the implementation of the Act. Indeed, the most effective language policies after the publication of the Act were drafted and implemented by the Board itself. It can be argued that the fact that the NZSL Board was not created soon after the NZSL Act in 2007 contributed to the slow and partial implementation of the Act itself. NZSL policy has been planned by other departments such as the Ministry of Education and the Office for Disability, but it lacked a central national institution that plans a comprehensive policy and monitors its total implementation. This may have weakened the concrete power of the act itself and not favoured national cohesion towards NZSL protection and promotion.

It must be noted that the NZSL Act is relatively recent compared to the Maori Language Act. Therefore, it could be argued that more years are needed in order to bring a concrete change towards the Deaf community's total inclusion in New Zealand. Both society and institutions require financial resources and time to develop a positive attitude towards NZSL and form a multilingual society in which the communicative barriers for Deaf people are overcome. Furthermore, the trend of the last decade may not favour NZSL policy. Indeed, as argued in the previous sections, cochlear implant surgery and mainstreaming education are affecting the Deaf community significantly. That is, new generations of parents tend to integrate their deaf children into the hearing community instead of fostering in contact with Deaf adults and children who could transmit their cultural view of deafness and their language to new generations. Therefore, despite the efforts of some government departments to promote NZSL, the implementation of the planned language policy and its positive effects may be slowed down or not sufficient to protect this

endangered language and its related culture. Another important factor is the Deaf's belonging to a double category. It can be argued that in New Zealand, Deaf people are still mainly seen as disabled people rather than members of a linguistic and cultural minority. Indeed, the NZSL Board and the NZSL Fund are part of the Office for Disability Issue and their main goal is the meeting of the UN CRPD commitments. This may support the general medical view on deafness and reinforce the idea that NZSL is above all a means of social inclusion rather than a fully developed language equal to the spoken one and connected with a specific culture.

Nevertheless, all things considered, it can be argued that the NZSL Act has had a positive impact on New Zealand society, because it has favoured the planning of different actions that concern the linguistic needs of deaf people (an example is the NZSL inclusion in the national curriculum for compulsory schools). Deaf Community and NZSL are reported to have gained more visibility in various social contexts and the recent studies show an increase in Deaf people's access to services, information and NZSL. Furthermore, the Act and the related policies have encouraged Deaf people as well. Indeed, since 2006, Deaf Aotearoa has organised the NZSL week, with many events to promote this language all around the country. Moreover, it works closely with both local communities and with government and agencies in order to defend and promote Deaf people's language rights. In other words, the linguistic needs of Deaf people are still a relevant point in the political agenda.

However, it can also be argued that the majority of Deaf people's achievements are due to New Zealand disability policy instead of a specific national language policy. Furthermore, the UN CRPD has a great impact in New Zealand. It promoted the planning of the NZSL Strategy and the establishment of the NZSL Board; it also binds the state to make regular reports on the status of its implementation and the commission's suggestions had an important role in shaping the political agenda and pushing for more efforts towards NZSL promotion. Therefore, the disability label of Deaf people helps them gain social inclusion and language rights that would be more difficult to implement if they were only considered a minority group. This supports the claims of some experts reported in the previous chapters of this dissertation; that is disability policy is stronger than language policy and the Deaf's double category is significantly important for their survival as a community. Nevertheless, it must also

be noted that, although the NZSL Strategy is linked to the disability label, it refers to the importance of preserving the cultural heritage of New Zealand Deaf community. Indeed, it fosters collaboration and constant contact between hearing and Deaf communities in various domains; it not only aims at encouraging NZSL use in society, but it also promotes research and documentation on this language. Therefore, NZSL appeared to be considered not only a mean of inclusion but also a cultural element of a vivid community.

All things considered, it can be concluded that NZSL policy has had a positive impact on New Zealand society since the publishing of the NZSL Act in 2006, which represents the watershed for the Deaf community's rights and achievements. However, although NZSL is granted the highest level of protection, it is still an endangered language that needs more protection and promotion. The most recent study conducted by McKee and Vale in 2013 at the Victoria University of Wellington on the vitality of NZSL and the New Zealand Deaf community shows a downward trend in NZSL users and Deaf community members. The main causes are said to be the combination of public funding of cochlear implant surgery and little support by the government for NZSL as a subject and teaching tool in public schools. The result is the closure of many schools for the deaf: today, only two institutions for the deaf remain open in New Zealand and they cover the entire national territory. In other words, the loss of educational settings and the high presence of deaf pupils in mainstream schools reduce the possibility to have contacts with Deaf community members and this does not favour intergenerational transmission of Deaf culture. Furthermore, a decline in membership and NZSL self-reported knowledge in the national census has been reported. On the other hand, a factor that is favouring the NZSL community is technology. Indeed, the new i-tech supports and the possibility to video communicate through smartphones are believed to represent new opportunities to learn NZSL and get more in contact with Deaf members all around the country. This may help make Deaf communities more cohesive and NZSL easier to practice (McKee and Vale 2014).

As concerns access to NZSL, the studies showed that many families with a newborn deaf child still lack practical support for NZSL use and learning, and first language acquisition support for the child is said to be equally little supported. McKee

and Manning (2015: 489) also report that 35% of the Deaf people interviewed for the study declared that they "received explicit advice against signing". The use of NZSL is claimed to have increased and expanded in various domains outside the domestic ones, but those interviewed affirmed that they still struggle in everyday settings due to the lack of NZSL knowledge by hearing people and personnel. Moreover, as concerns education, McKee (2017: 335) reports that despite the inclusion of NZSL in the national curriculum and in some universities, schools are said to lack language expertise, concrete programs and resources.

In general, the survey showed that Deaf people have a positive attitude towards language policy and the NZSL Act, and they feel a greater sense of acceptance and tolerance towards their language and culture. However, they claim that the current efforts are not enough to counterbalance the international trend towards monolingualism and cochlear implant surgery. The main issue concerns new generations. These are said to be slowly but steadily integrating into the hearing world only, and there is an increase in NZSL learning mainly as second language and a consequent decrease in NZSL mother tongue signers in New Zealand (McKee and Vale 2014). Mckee (2017: 348) also states that other domains in which NZSL could be promoted lack laws that mention this language. For instance, she claims that the existing Broadcasting Law does not mention NZSL; NZSL interpreting services on television or programmes in NZSL are said to be rare, whereas more NZSL can be seen on websites and online videos.

4.4 Comparison

4.4.1 Survey and figures

As concerns the estimated number of deaf and hard of hearing in the USA, UK and NZ, the highest percentage compared to the entire population has been found in the UK (17%), followed by NZ (10%) and the USA (3.7%). None of the three surveys for the national censuses that have been analysed in this chapter asked respondents to specify the range of hearing loss nor whether the person is prelingually or

postlingually deaf. However, this information may be relevant to future studies on the deaf population and Deaf communities. Indeed, the distinction between deaf and hard of hearing and between prelingually and postlingually deaf may provide a clearer picture of this group and help researchers understand how many people of each category feel part of a Deaf community.

Moreover, the questionnaires did not ask respondents whether they belong to a Deaf community or not. This may be another relevant piece of information: it would help understand the vitality of Deaf communities, the attitudes of deaf and hard of hearing people towards them and the estimated number of effective members of these cultural and linguistic groups. Indeed, none of the three current sets of data on deaf and hard of hearing enables researchers to understand the real size of Deaf communities as a minority group, because they only help classify how many people out of the entire national population have a disabling audiological condition. However, as argued in the previous chapters, deafness alone does not imply community membership (Kyle et al. 1998: 8). Therefore, these figures do not provide any insight into people's attitudes towards deafness. In other words, the three surveys do not provide any information regarding which view of deafness outnumbers the other, nor which of the two (medical vs cultural) is most widespread among the prelingually deaf, postlingually deaf and hard of hearing.

Another important aspect to consider when comparing the three sets of data is that the types of questions vary considerably from state to state. It can be argued that the USA and NZ questionnaires were more objective compared to the English one. The difference in questions between the English/Welsh and the Scottish surveys complicates the analysis of the results, because the interpretation of the questions may vary and therefore the estimated numbers of deaf and hard of hearing people may not reflect the real picture of the nation.

The three surveys also differ in relation to the linguistic issues of deaf and hard of hearing. The American Census Bureau has no official data on ASL signers and no other reliable sources of information are available at the moment. As concerns the UK and NZ, the surveys indicate BSL and NZSL respectively among the suggested answers. It can be argued that this may encourage signers to declare whether they know the sign language of their country or not. However, none of the three

questionnaires asked respondent to specify whether sign language was their first or second language. This information may be relevant for the evaluation of sign language vitality, because it enables researchers to understand how many deaf and hard of hearing people are native signers. Moreover, it provides data on sign language acquisition and learning trends, that is which of the two categories has more native signers and whether the phenomenon is changing. These figures may also be an important source of data for the assessment of the implemented language policy. Indeed, a decrease in sign language mother tongue signers among the born deaf population may reveal a partial failure of the current acquisition language policy, because it has not encouraged them to learn sign language. On the contrary, an increase in sign language users as a second language among the hard of hearing population may be related to an initial positive impact of the language policy of the country, because it counterbalances the current shift towards monolingualism.

Furthermore, the questionnaires do not provide any information on the level of language proficiency, nor on respondents' attitude towards it. For instance, it may be concluded that the British survey, which asked respondents to specify the languages spoken at home, does not take into consideration the situation of many deaf and hard of hearing people, who come from hearing families and therefore may use more verbal language or other manual codes at home and more sign language in other settings. This is also true for other categories of people as well. For instance, second generations of immigrants may speak their ethnic language at home but be equally fluent in the national language of the country. Moreover, the question does not help us to understand whether signers identify themselves with the verbal or the sign language of the country. This information may be relevant to assess the vitality of Deaf communities, whose membership depends mainly on the sense of belonging to the Deaf world and consequently on the affiliation with and the knowledge of sign language, as argued in the previous chapters (Kyle et al. 1998; Hogan-Brun and Wolff 2003). The same can be claimed for the New Zealand survey, which asked in which language(s) those surveyed can talk about many everyday things. The answers may be very subjective and they do not provide any reliable data on sign language vitality.

All things considered, it can be argued that the absence of data on ASL users compared to the presence of figures of BSL and NZSL signers reveals the general

attitude of institutions towards sign language. In other words, the difference is in line with the degrees of protection that the three sign languages are granted in the three countries. In the USA, ASL has not been granted any level of protection at a federal level; this may be one of the reasons why the survey did not take into consideration the linguistic issue of deaf people. On the contrary, in the UK and NZ the recognised status of the respective sign languages and of their linguistic community of users may have encouraged the governmental institutions to collect more data on sign language in order to carry future studies on the vitality of the language and the community and to identify the needs for planning language policy.

4.4.2 The Deaf Community and sign language

According to the findings of this study, it can be concluded that American, British and New Zealand Deaf communities are active in their respective societies in order to promote sign language and Deaf culture among both deaf and hard of hearing communities. The path of their formation and development has been found to be similar as well. However, very little is known about the autochthonous sign languages of New Zealand that were used before the establishment of deaf schools and the spreading of NZSL as we know it today. On the contrary, there are documents about and descriptions of the American and British Deaf communities and the sign languages that were used before the standardisation of ASL and BSL (Kyle et al. 1988; Ladd 2003; Brentari 2010; Powell and Hyde 2013). Furthermore, the three groups built up an important and closely-knit relationship with national universities: this may foster research on sign language and Deaf community vitality and encourage a change of focus at an institutional level. Indeed, the American and New Zealand academic world had a huge impact on sign language visibility: their linguistic and sociological studies reported in the previous sections of this dissertation helped sign languages gain greater social status as real languages and contributed the spread of knowledge about the Deaf world from the 1960s on (Ladd 2003; McKee and Vale 2014). The presence of a national association that coordinates the local ones and its participation at an international level in the WFD meetings is another factor that makes their social status similar to one another.

According to the findings of this study, one of the main differences between Deaf communities is their collaboration with disability associations. The Scottish and the New Zealand national associations have forged strong connections with the most important representatives of disability rights campaigns. The latter are said to have become an important lobby in the political landscape following the international focus on human and civil rights from the 1960s on. As affirmed in the previous sections of this chapter, both the Scottish and the New Zealand Sign Language Acts have received great support from the majority of the respective parliaments; according to reliable sources, this positive attitude was also due to the pressure of the disability lobby, which promoted the linguistic claims of their partners, that is BDA and Deaf Aotearoa (McKee and Manning 2015; De Meulder et al. 2019). On the contrary, the study on American Deaf community and ASL carried out for this dissertation showed that little is reported on the relationship between NAD and disability organisations. Therefore, this may be a relevant factor that explains the different achievements of the three associations in terms of legal recognition. Indeed, as claimed in the previous sections, disability legislation has been found to be undoubtedly stronger than language policy: the majority of Deaf people's successes in these countries have been obtained under the umbrella of the disability label, which has a greater influence on the political agenda than minority group's claims (Batterbury 2012; Sabatello and Schulze 2013). Therefore, it can be argued that a more closely-knit collaboration between NAD and the Disability Office and organisations may help them achieve some degree of protection at a federal level, because the inclusion of disabled individuals is important for the political agenda, as the presence of many disability laws and the active commitment of the USA in the UN CRPD drafting shows.

Furthermore, it can be concluded that in the USA, the Deaf community is first considered a disability group and second a cultural minority group. On the contrary, in the UK and NZ, Deaf communities are recognised as both cultural minority groups and a disability category. However, more rights are granted under the umbrella of the second label in all three states. The American Deaf community is granted many rights as a disabled category, whereas there is no policy concerning the protection and promotion of their cultural heritage directly. In the UK, the BSL Scottish Act 2015 recognises Deaf people as a linguistic and cultural minority group. However, the

legislation is claimed to be weak compared to the disability policy and the provisions of the UN CRPD concerning sign language. Indeed, the British Deaf Community has achieved more social inclusion thanks to the Equality Act. Moreover, no BSL Language Board has been established with the Act, and therefore it is up to the other governmental departments such as the Ministry of Education and the Disability Office to draft a plan in order to protect and promote sign language and Deaf culture (Batterbury 2012; De Meulder et al. 2019). Furthermore, when compared to the other national minority policies (Welsh and Scots-Gaelic policies), it can be concluded that these minority groups are granted more language rights than the British Deaf community, which is addressed mainly by disability provisions rather than language policy. As concerns the New Zealand Deaf community, the situation is similar to the British one: the NZSL Act 2006 and the following policies on NZSL promotion recognise the cultural value of this minority group. However, the head office for the implementation of the policy is the Office for Disability Issue.

Another finding of this study is the general view of sign language. It can be concluded that sign language in the USA is mainly considered by institutions as a means of social inclusion and access to services. Indeed, ASL is mentioned in disability laws as an instrument that can grant the deaf and hard of hearing equal access, but there is no reference to its cultural dimension. Nevertheless, ASL is currently implemented in many school curricula as a foreign language, as reported in the previous sections. American society is starting to take into consideration its cultural and linguistic heritage. In the other two countries analysed in this dissertation, the view on sign language has shifted from being part of the disability label only to representing a minority group as well. Indeed, in the UK and NZ, BSL and NZSL have been recognised as real languages worthy of protection and promotion like other indigenous languages. This implies that they are also linked to a community that builds its identity on that language. However, they are still far from reaching equal status to the other native languages of their countries and from stopping being associated to disability. Nevertheless, all things considered, it can be argued that the view of sign language as means of inclusion has been an important achievement for Deaf communities. Thanks to this definition of sign language, institutions have recognised the fact that deaf people do not have a communicative disability, but a

linguistic issue. In other words, the promotion of sign language use in disability legislation may have helped give visibility to sign language and change the view of deaf people from mentally impaired to non-English speakers.

Another important aspect that must be noted is that there are few studies on the vitality of Deaf communities at a governmental level. Some reports have been made by the national Deaf associations, Deaf educational centres and local universities. This is the case of New Zealand, where a project was planned by the Victoria University of Wellington to test the vitality of the Deaf community and the effect of the NZSL Act (McKee and Vale 2014). Furthermore, it can be concluded that the three communities are all threatened by the same trends: cochlear implant surgery and monolingualism. Indeed, the American, British and New Zealand governments provide funds to promote research and support early detection of deafness and cochlear implant surgery in new born hearing impaired children. This combines with the tendency to encourage English above other languages as a first language, which has been noted in all three countries. Indeed, according to the most recent surveys, the major concern is with these issues and for this reason the Deaf communities claim for more protection and support in sign language promotion to new families (Batterbury 2010, Poggeschi 2010, Compton 2014, McKee and Vale 2014; De Meulder 2017).

4.4.3 Language policy

The linguistic landscape of the three countries is similar: the USA, the UK and NZ are all characterised by a multicultural society, which speaks a wide variety of languages but is unified thanks to English. These languages can be divided into indigenous languages and immigrant languages. According to legislation, in the USA, the indigenous languages are those of the Native American Indians; in the UK Welsh, Scots-Gaelic and Irish are the ancient languages spoken by the British communities; in NZ, Te Reo Maori is the language spoken by the inhabitants of the islands before the arrival of western colonisers. In addition to this, the national censuses of the three countries show that other languages are spoken in the territory and they are used by immigrant communities. Moreover, the USA, the UK and NZ are English speaking countries; however, English has become the de facto language but it is not formally

recognised as the official language in the constitutions (Poggeschi 2010). As concerns indigenous languages, they are granted some degree of protection; however, while in the UK, the Welsh Language Act and the Scots-Gaelic Act have been adopted by the Welsh and the Scottish parliaments after devolution, in the USA and NZ, the Native American Languages Act 1990 and the Maori Language Act 1987 have been adopted at a federal and national level (Poggeschi 2010). This may also be due to the difference in forms of governments and political systems between the three countries. Therefore, according to the description of language rights provided by Poggeschi (2010) and reported in the previous chapter of this dissertation, it can be concluded that English benefits form the first type of language rights thanks to its dominant status as the most powerful language in the social context of the three countries.

Although the language situation of the three countries has been found to be similar as concerns multiculturalism and the strength of the English language, one of the main differences that this study shows is the general attitude of the three states towards language in general. The American government stated that English is the official language of the nation only in 2018; the UK does not formally recognise any language at a national level. In addition, it is reported a strong shift towards monolingualism in the USA and the British political agenda still lack a comprehensive language policy (Poggeschi 2010; Compton 2014; De Meulder 2017). These factors appear to have as a consequence the fact that the presence of language rights of non-English speakers at a national level in these countries is still not extensive. Consequently, it has been found that the two central governments tend to let regional authorities (institutions in the single states in the USA and Welsh and Scottish parliaments in the UK) address this problem and plan languages policies that can satisfy minority groups' claims. Indeed, the local institutions in the single states of the USA have been found to have taken into considerations the linguistic needs of Deaf people: they granted some sort of recognition and they drafted some plans in order to promote ASL in the education setting, as reported by the American National Association of the Deaf (NAD report 2018). Similarly, in the UK, the BSL Act was signed by the Scottish government and not by the British Parliament. Moreover, this attitude towards sign language protection has been found to be similar to the one concerning the other languages of the two countries. For instance, some local

governments of the USA such as the one in Texas use both English and Spanish (Harper 2011) and in the UK the Welsh Act and the Scots-Gaelic Act are adopted only by the respective Welsh and Scottish governments (Poggeschi 2010). On the contrary, in New Zealand the linguistic diversity of Aotearoa is addressed by the central government. Maori and NZSL are formally recognised as official languages of the entire nation by Parliament. Moreover, the Board that is in charge of planning and monitoring the language policy is a national institution, not a regional organisation.

Furthermore, this study showed that the language policies concerning sign language in each state are in line with the policies adopted towards the other languages spoken in the country. The American government does not formally recognise either ASL or any language of the country; the only languages that are the focus of a specific law are Native Americans Languages. On the contrary, both in the UK and in NZ the autochthonous languages are granted more recognition: in the former by the Welsh and Scottish parliament after devolution, and in the latter at a national level. Similarly, in the UK, BSL is granted legal protection in Scotland thanks to a specific act that mirrors the regional Gaelic Scotland Act in many parts; in NZ, NZSL is granted the same constitutional recognition of Te Reo Maori by the central government.

According to the findings of this study, it can be concluded that one of the main factors that shapes language policy is the classification of sign language. Despite the fact that the United States has been a pioneer in the recognition of sign languages as real languages and Deaf communities as cultural minorities in the academic field (Maher 1996), ASL is considered a foreign language of the United States like other immigrant languages, as reported in the previous section. By making reference to Poggeschi (2010), the study showed that ASL users are granted the third type of language rights, that is the rights of immigrant languages. Indeed, ASL courses are included in some school curricula as a non-compulsory course for both d/Deaf and hearing pupils (NAD report 2018), but it is not legally recognised as one of the autochthonous languages of the USA as Native Americans Languages are. On the contrary, the UK and NZ recognise BSL and NZSL respectively as official languages equal to Welsh, Scots-Gaelic and Te Reo Maori, that is they are considered languages proper to British and New Zealand citizens that belong to the cultural heritage of the country. Therefore, by making reference to Poggeschi (2010), this study showed that

BSL and NZSL are formally granted the second type of language rights. In other words, they are examples of the strong protection given to linguistic minorities. The different classification of sign language is claimed to influence the respective sign language policy concerning ASL, BSL and NZSL. Indeed, BSL and NZSL are the focus of language policies that are modelled on the legislation that protects and promotes the other indigenous languages of the two countries (Reffell and McKee 2009; De Meulder et al. 2019). On the other hand, there is no specific policy concerning ASL, nor is ASL mentioned in the Native American Language Act. The reason behind this may be the general attitude towards language and multiculturalism that have been mentioned above. Furthermore, this difference may lead to a different view of Deaf culture as well. Indeed, the recognition of a language as indigenous implies the recognition of its linguistic heritage and the related culture as intrinsic to the nation itself, whereas the label of foreign language does not identify it and its cultural dimension as part of the identity of the country.

However, it must also be noted that despite the fact that BSL and NZSL are protected by a specific Act modelled on the Welsh, Scots-Gaelic and Maori Language Acts they are granted less protection than other minority languages (Batterbury 2010; Reffell and McKee 2009). In other words, it can be concluded that, although they are formally granted the same level of recognition by means of the same legislative instrument, the absence of a sign language Board in the BSL and NZSL Acts may weaken the Acts themselves when they are compared with other Language Acts. Therefore, BSL and NZSL are still not equally protected and promoted as the other indigenous language of the two countries.

Furthermore, the comparison between the levels of protection in the three countries has shown that the three language policies have similar effects in the field of education. It is true that the American sign language policy as a foreign language is different from the British and New Zealand sign language policy as indigenous languages. However, they have all introduced sign language as non-compulsory courses in many state schools. Therefore, it can be concluded that although Language Acts have the potential power to change society and foster bilingualism, the effective actions that have been planned in order to implement the Acts are not enough to grant BSL and NZSL the deserved protection and promotion.

The comparison also revealed some common phenomena. In all three countries, the main successes in terms of language rights have been achieved thanks to regional institutions or the community's efforts. In the USA, there are more laws concerning language at the level of the single state than at a federal level; in the UK, Welsh and Scots-Gaelic are protected and promoted thanks to devolution and the commitment of Welsh and Scottish parliaments (Poggeschi 2010). In New Zealand, the Maori Act was adopted thanks to the campaign of the Maori community and the implementation of the current language policy is pursued by the community itself (Nicholson 2012). Furthermore, the findings showed that international laws on language have had little influence on the three countries analysed. Indeed, reliable sources employed for this study such as Reffell and McKee (2009), Batterbury (2010), McKee and Manning (2015) and De Meulder et al. (2019) did not mention international legislation concerning language as a key factor for Deaf people's language rights achievements. However, it must also be noted that language rights are a relatively new area of interest at an international level. Indeed, legislation mentioning language or concerning language date back to the 1990s. Language policy and Sign Language Acts are fairly recent as well and have been adopted after the signing of international treaties such as the Declaration of the UN Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities 1992, the Eu Charter for Regional or Minority Language 1992 and the Framework Convention for the Protection of National Minorities 1994. Therefore, although these treaties make no explicit reference to sign language, the international shift of focus towards the linguistic diversity of UN and EU member states may have been one of the factors that favoured the achievements of Deaf communities in terms of language recognition.

Another important conclusion that can be drawn concerns the importance of language Boards and the presence of strong local languages. As regards the first point, despite the fact that BSL and NZSL are the focus of the same type of legislation of Welsh, Scots-Gaelic and Te Reo Maori, the establishment of a specific Language Board for the three indigenous languages appears to be making a great difference in the level of protection. As reported in the chapter, the presence of a specific institution has been fund to give more cohesion to language policy, because it implements and monitors it in different fields (language acquisition, status planning, education and so

forth) depending on the linguistic needs of the minority group. On the contrary, experts such as Reffell and McKee (2009) affirm that the absence of a sign language board weakens the Act itself, because it delegates the responsibility of meeting the linguistic needs of Deaf people to the various single governmental departments, but it does not bind them to do so, nor does it specify the degree of protection. The best example is given by New Zealand: here, the Ministry of Education and the Office for Disability issue adopted separate measures in order to promote the use of sign language. However, little progress was at first made and the Human Rights Commission recommended the establishment of a NZSL Board which could plan more concrete actions. It must also be underlined that the NZSL Board was only recently established. Therefore, it may be still too soon to draw a conclusion on its work and to assess whether its presence improves the Deaf community's rights as a linguistic and cultural minority compared to the situation in the USA and the UK. Furthermore, as concerns the second point, the presence of strong indigenous languages that have obtained legal recognition may foster the protection of sign languages. Indeed, the two Sign Language Acts have been modelled on the other languages Acts (Reffell and McKee 2009; De Meulder et al. 2019). On the contrary, the presence of language rights in American law is not extensive and only Native Americans languages are the object of a specific law on language; similarly, Deaf people's linguistic claims do not seem to be one of the most urgent priorities for the federal government.

Furthermore, the study showed that granting the highest form of recognition to sign language alone does not imply that it receives the suitable protection that the Deaf community needs in order to benefit from its rights as a linguistic and cultural minority group. Indeed, the comparison between national language policies in each state has showed that a specific language policy to be implemented after the official recognition is fundamental in order to meet the Deaf communities' needs.

Moreover, despite the differences in language policy and approach, the concrete degree of protection in the three states has been found to be similar. All the three Deaf communities have been reporting serious concerns regarding the decrease in sign language users and community members (Batterbury 2010, McKee 2017; NAD report 2018).

4.4.4 Disability policy

According to the analysis, Deaf people's belonging to the disability category enables them to enjoy more rights than they would if they were only part of the minority group label. It can be concluded that although much progress has been made in terms of recognition of the Deaf community as a cultural minority group, legislation concerning language in USA, UK and NZ is still weaker than the respective disability policies. Indeed, the study showed that the main goals in terms of accessibility to services and information have been achieved thanks to disability policy, which provides interpreting services for Deaf people, offers support for early intervention and fosters the use of technology to make information accessible.

As concerns the relation between international and domestic law, the USA has been found to be less influenced by the UN CRPD as compared to the UK and NZ. However, as reported in the previous sections, the American disability policy was used as a model for the UN CRPD itself (Walker 2014). On the contrary, it has been found that the international treaty has had a strong impact on British and New Zealand domestic law, because it fostered the adoption of more specific disability laws. Indeed, the British parliament adopted the Equality Act in 2010 in order to enact the Charter (Batterbury 2012), and the New Zealand government, which was one of the main supporters of the UN CRPD, opened the NZSL Board in 2015 to meet the commitments of the treaty (McKee and Manning 2015).

As concerns language, the American and New Zealand disability policies address the linguistic issue of Deaf people directly. Many provisions in the American legislation focus on sign language; the Office for Disability Issue of NZ instead established the NZSL Board in 2015, which takes care of Deaf people's linguistic needs. However, it must also be noted that the approach to language in the two policies is different. In the American law, language seems to be mainly considered as a means to access services and information, that is an instrument to overcome the communication barrier and grant equal treatment to deaf people. On the contrary, New Zealand legislation seems to focus also on the cultural heritage of sign language. As the analysis shows, the NZSL Board and NZSL Strategy of the Office for Disability Issue recognises the link between NZSL and Deaf culture, and their provisions also concern linguistic research, promotion of Deaf culture and strengthening of hearing

and Deaf community relationships. On the contrary, the British Equality Act makes no mention of the linguistic aspect of Deaf people's inclusion explicitly and the BDA reports little improvement in Deaf accessibility.

CONCLUSION

Sign language is a natural form of communication that employs the visual-gestural channel to convey meanings and information. Today, it is recognised as a fully developed human language equal to verbal language thanks to advances in linguistic research, which started in the 1950s. Sign language is mainly used by deaf and hard of hearing people to communicate. However, it is not only a means for social interaction and exchange of information but rather a key feature of a linguistic and cultural minority group, that is the Deaf community (Sutton-Spence and Woll 1999; Ceil and Valli 2000). Starting from background literature on the topic, this study aimed at comparing ASL, BSL and NZSL legislation in order to analyse the reasons behind the different degrees of protection, the relations between national sign language policy and international and domestic legislation on language, the power of disability policy compared to minority group rights and the impact of the current language policy on Deaf communities.

As discussed in the first chapter, the study of sign language from a linguistic point of view showed that it is characterised by the same features that define verbal language. The first feature is the presence of linguistic symbols. Gestures that constitute sign language are linguistic units that follow specific sets of linguistic rules and create a communication system. They are neither extra nor alternative elements of spoken utterances, but rather they substitute the semiotic, structural and grammatical features of verbal speech acts. The second element is arbitrariness: the relationship between many gestures and their meanings is the result of convention. Sign language is also characterised by the same infinite possibility of productivity and expression of verbal language. Moreover, linguistic units are the result of the combination of smaller meaningless units that combine together and establish relationships (such as morphology and syntax) to create larger meaningful units. The parameters are handshape, location, movement, orientation and facial expression. Furthermore, both sign and verbal language are characterised by pragmatic meanings, variety and displacement. Finally, they are intrinsic to their community of users and embed their culture and group's identity; both languages can also be naturally acquired following the same steps and timing if children are exposed to a sufficient amount of stimuli. Nevertheless, although sign and verbal language share common

distinguishing features, it must be noted that they are not linguistically related: the sign language of a community is not the signed version of the spoken language of that country.

Sign language is not only equal to verbal language in terms of communicative possibilities, but it is also as important as verbal language for the cognitive development of deaf children. Many studies show that the acquisition of signed and spoken language is similar in brain activity, process and timing; the spoken and the visual-gestural modalities are equipotential in terms of language development and children have been found to prefer one modality over the other depending on the quantity of stimuli they receive, not on the modality. Furthermore, because language plays a central role in reasoning and consciousness, the lack of exposure to sign language at an early age in deaf children has been found to have a negative impact on their cognitive development. Moreover, experts argue that language knowledge influences social abilities. However, it must be noted that 95% of deaf children are born to hearing parents and therefore they do not always have direct access to sign language during the critical period of language acquisition. Therefore, all things considered, it can be concluded that deaf people need to be exposed to sign language as a first language from an early age because it is crucial to their language development and they need concrete support in order to have this opportunity.

As discussed in the second chapter, sign language is used by a heterogeneous group of people, whose knowledge of sign and verbal language depends on their clinical condition, age of exposure and education. Hard of hearing people have lost most of their hearing but can still hear sounds thanks to hearing aids; deaf people cannot hear any sounds and they are distinguished between prelingually and postlingually deaf; Deaf people are those who feel part of the Deaf community, that is a linguistic and cultural minority group that has sign language as its mother tongue. In particular, Deaf communities are the place where individuals can share a common language, values and culture that are different from those of the hearing speaking community of their country. However, because there are several possible ages of hearing loss and degrees of deafness, audiological condition does not imply community membership. Indeed, other key features are the knowledge of sign language, the individual's will to be identified primarily with the community, the

identification with Deaf culture and attitudinal deafness. Deaf community membership shapes the individual's identity: the Deaf do not see deafness as loss or impairment but rather as a cultural feature that makes them different. They are proud to be deaf. Moreover, they are characterised by their own linguistic, social and historical heritage and therefore they consider themselves a minority group.

However, the Deaf communities' cultural dimension has been long neglected and their history is characterised by discrimination and misconception. Up until the last decades, they were mainly considered only as disabled people and forced to learn only spoken language and lipreading. Moreover, the majority of deaf children come from hearing parents; this intrinsic factor is reported to be a threat to the Deaf community's survival, because it hinders intergenerational transmission of culture and language. In addition, the Deaf community and sign language are also threatened by recent trends. As reported in the second chapter, experts in the field report that Deaf communities are negatively influenced by the increase in cochlear implant surgery and the shift towards monolingualism. According to the results reported in this dissertation, this study confirms the reported claims: American, British and New Zealand Deaf communities have been found to be equally threatened by these two factors and demand for more protection and support. All things considered, it can be concluded that sign language needs to be concretely protected and promoted by means of a specific language policy that safeguards the linguistic and cultural heritage of Deaf communities as minority groups and grants access to sign language for deaf children so that they can learn it as a first language. These are also the main rights that Deaf communities are campaigning for.

As reported in the third chapter, language rights are a relatively new topic in the international political agenda and they are difficult to implement. Firstly, language rights are a controversial matter, because they are linked to the status of minority groups. The majority language does not need to have its rights officially stated, because its social power makes it the dominant language of use; on the contrary, minority groups need to have their language rights legally expressed in order to use their language in public domains. However, minority groups' claims for recognition are often considered a threat to the unity of the nation because they may even lead to independence claims.

Secondly, there is no universal definition of language rights: some experts define them as a specific category and they mention as examples the right to choose the mother-tongue at an individual level and the right to understand what public institutions tell one. Other experts argue that they are part of human rights, because they implement the freedom of expression and identity. This is the reason why language rights are usually not the explicit object of regulations, but rather they are protected indirectly through the implementation of other human rights. Furthermore, language rights also have a double dimension: language is important for the individual's identity but it is also linked to a collective culture and it is crucial for the identification as a group.

Thirdly, language rights require the intervention of the state to be implemented; however, their implementation requires huge costs in order to create a multilingual society and train bilingual personnel. Last but not least, each minority group has its own needs and priorities, as well as different historical and socio-cultural status. Therefore, it is difficult to plan a language policy that meets the specific needs of each minority and grants them equal status.

It can be concluded that the results of this study are in line with the literature on the subject. Indeed, the British and New Zealand Deaf communities report that despite the fact that access to services and information has increased after the adoption of a specific policy addressing sign language, the change into a English-sign language bilingual society and institutions is slow and costly, because it implies sign language courses for personnel working in public institutions (public authority, schools, hospitals and so forth) and sign language fluent teachers. Furthermore, the study showed a difference in degree of protection between sign language and other indigenous minority languages in each country of study. This is mainly due to their different historical and socio-cultural status: Welsh and Scots-Gaelic in the UK and Te Reo Maori in New Zealand are reported to have a stronger socio-cultural status than BSL and NZSL respectively, and this is mirrored by the different effective degree of protection that they receive.

In addition, as discussed in the third chapter, another issue concerning language rights protection has to do with the fact that the presence of language rights in international law is not extensive. Moreover, their protection is usually addressed

indirectly through the granting of other fundamental human rights (such as the freedom of expression). Furthermore, specific legislation on language rights is recent: the International Covenant on Economic Social and Cultural Rights and the International Covenant on Civil and Political Rights were adopted in 1966 by the United Nations; the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities dates back to 1992; the European Charter for Regional or Minority Languages and the Framework Convention for the Protection of National Minorities were adopted in 1992 and 1998 respectively. These international treaties are claimed to be weak and they do not contain any explicit reference to the Deaf community and sign language. On the contrary, disability policy is claimed to be stronger in granting language rights to deaf and hard of hearing people compared to minority right legislation. Indeed, the former is said to have a stronger impact on the social and political sphere and it also binds the states to take concrete actions for inclusion.

As concerns this study, it can be argued that findings support the experts' claims. It is true that the sign language policies of the three analysed countries were adopted in the last decades after the signing of international treaties regarding minority language groups. However, the most important achievements have been obtained thanks to the policy of inclusion promoted through disability legislation in the USA, UK and New Zealand. In particular, the UN Convention on the Rights of Persons with Disabilities (CRPD) is claimed to have a great influence on domestic legislation, especially in New Zealand, where it fostered the establishment of a specific NZSL Board that implements the NZSL Act 2006. Therefore, while Deaf communities in all the three analysed nations do not consider themselves a disability group, their linguistic heritage is still better protected thanks to the disability label rather than the minority group one. Moreover, thanks to disability policy, the view of sign language as means of inclusion has led to recognition of the fact that deaf people have a linguistic issue and not a communicative disability. However, Deaf communities' urgent needs concern the protection and promotion of their linguistic and cultural heritage among both deaf and hearing people in order to counterbalance the recent trends and make deaf people regain their pride in Deaf culture. Therefore, disability policy alone is not enough and specific minority group legislation is needed.

The comparison of ASL, BSL and NZSL policy carried out in the fourth chapter showed some interesting findings that answer the other research questions mentioned above. The American, British and New Zealand Deaf communities have been found to share a common history of establishment related to deaf education and discrimination. Moreover, they are equally threatened by the same trends: cochlear implant surgery, monolingualism and mainstream education. These are claimed to prevent new generations from getting in contact with other Deaf children and Deaf role models and consequently to cause a decrease in Deaf community membership and intergenerational transmission of Deaf culture. Indeed, the study showed that the Deaf communities in the USA, UK and NZ argue that sign language policy has little impact and more concrete actions are needed in order to ensure their survival as linguistic minority. Nevertheless, sign language policy is recent: the BSL Scottish Act was signed in 2015; the NZSL Act was adopted in 2006 but the NZSL Board was established only in 2015 and the NZSL policy covers the years 2018-2023. Therefore, the possible effects of this legislation may be more evident in the future.

As concerns the impact of domestic law on language, language policies concerning sign language in each state are in line with the policies on other languages of the country. While in the USA the only languages that are the focus of a specific legislation are Native Americans Languages, in the UK, Welsh and Scots-Gaelic are strong minority languages that are granted legal protection by the Welsh and Scottish parliament respectively; in New Zealand, Te Reo Maori is granted official status and protected thanks to the Maori Language Board. Similarly, ASL has no direct recognition nor specific language policy, whereas BSL and NZSL are the focus of specific acts that took the Scots-Gaelic and the Maori Language Acts as models.

The study also revealed that despite the differences in language policy and approach, the concrete degree of protection of ASL, BSL and NZSL appears to be similar. Moreover, although NZSL was granted the highest status, that is constitutional recognition, it can be concluded that the official recognition alone does not imply suitable protection for the Deaf community. Instead, language acts need to be supported by an active language policy and monitoring process in order to enable Deaf people to benefit from their rights as a linguistic and cultural minority.

Another important finding of this study concerns the different view of sign language in the three countries. ASL in the USA is mainly considered as a means of social inclusion and access to services: the introduction of sign language courses as foreign language in schools is recent, and the disability policy does not refer to the cultural heritage of Deaf community. On the contrary, in the UK and New Zealand, legislation that mentions sign language also takes into consideration its cultural importance. Furthermore, this study showed that the establishment of specific Language Boards is crucial for the implementation of a concrete language policy. Indeed, they focus on the specific community's needs, they plan a complete language policy and monitor it in the different fields (status planning, language acquisition, education).

This research topic offers many opportunities for future developments in sign language studies. Indeed, this dissertation focused on legislation concerning language rights directly and disability rights; therefore, future research may take into consideration other legislation and focus on a specific field, such as employment, broadcasting or early medical intervention. Furthermore, because education is one of the main factors influencing and shaping the Deaf communities, future studies may also analyse the different education policies in the three countries and assess the actual inclusion of sign language courses in the school curricula, while others may focus on the support for language acquisition for new generations.

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SUMMARY IN ITALIAN

Il linguaggio umano è un sistema di comunicazione basato su delle regole condivise da una comunità di parlanti; è caratterizzato sia da una serie di elementi che lo accomunano a altri sistemi di comunicazione, come il linguaggio degli animali e il codice Morse, sia da elementi che lo contraddistinguono da essi e lo rendono unico (Ceil e Valli 2000). La lingua dei segni è un sistema di comunicazione che utilizza il canale visivo e gestuale per trasmettere informazioni e significati. Oggi è riconosciuta come una lingua vera e propria, con le stesse caratteristiche che contraddistinguono le lingue verbali dagli altri sistemi di comunicazione. Inoltre, la lingua dei segni è un elemento determinante l'appartenenza alla comunità dei sordi e caratterizza quest'ultima come gruppo minoritario linguistico e culturale (Ceil e Valli 2000). Sono molti i luoghi comuni riguardanti questa lingua che sono stati confutati grazie alla ricerca nel campo della linguistica, iniziata verso la seconda metà degli anni Cinquanta. In particolare, questo elaborato si prefigge di analizzare le politiche linguistiche riguardanti le lingue dei segni americana (ASL), inglese (BSL) e neozelandese (NZSL); l'obiettivo è il confronto tra le tre per capire i fattori che determinano la diversità del grado di protezione di questa lingua minoritaria, la relazione tra politica nazionale riguardante la lingua dei segni e la politica internazionale e nazionale riguardante la diversità linguistica in generale, l'impatto delle politiche sulla disabilità a confronto delle leggi sulle minoranze linguistiche e l'impatto delle attuali politiche linguistiche sulle comunità di sordi nei tre paesi analizzati, ovvero Stati Uniti, Regno Unito e Nuova Zelanda.

La lingua dei segni, come la lingua verbale, è formata da unità linguistiche associate a dei significati secondo il criterio dell'arbitrarietà, le quali formano una struttura ben precisa. Le unità linguistiche sono frutto della combinazione di elementi base più piccoli: essi sono privi di significato se presi a se stanti, ma si combinano secondo regole ben definite e formano dei significanti, i quali trasmettono uno o più significati. I componenti base delle lingue verbali sono le lettere, le quali sono associate a dei suoni in modo arbitrario e si combinano per formare le parole. Le unità linguistiche delle lingue dei segni sono invece i segni, i quali sono formati da unità più piccole chiamati parametri; essi si suddividono in componenti manuali (orientamento del palmo della mano, movimento dell'arto, configurazione della mano,

luogo in cui si realizza il segno) e non manuali (espressione facciale), e un cambiamento in uno di questi parametri comporta a un cambiamento di significato dell'intero segno. I segni non sono semplici gesti che accompagnano oppure si alternano al parlato, ma sono unità linguistiche che ne sostituiscono completamente le caratteristiche semiotiche, strutturali e grammaticali; essi, come gli elementi delle lingue verbali, si combinano formando una struttura: instaurano tra di loro relazioni diverse, sono caratterizzati da una loro morfologia e seguono regole grammaticali linguistiche. Inoltre, l'organizzazione si articola su due livelli: il primo livello è la relazione tra i singoli elementi linguistici privi di significato, il secondo è quello delle unità linguistiche, le quali si combinano per comunicare significati diversi. Questa proprietà della dualità permette al linguaggio umano di essere altamente produttivo e trasmettere un'infinita varietà di significati con una gamma di elementi di numero limitato. Al contrario di quello che si credeva in passato, la lingua dei segni, come la lingua verbale, è caratterizzata sia da elementi arbitrari che iconici. I primi sono quelli il cui rapporto con il significato che trasmettono è frutto di una convenzione (ne sono un esempio i morfemi, oppure il rapporto tra molte parole e il loro significato; nel caso della lingua dei segni, un esempio è il segno CAT nella lingua dei segni americana ASL, il quale non riproduce la forma del gatto); gli elementi iconici sono quelli la cui forma ricorda l'entità fisica alla quale si riferiscono (ne sono esempi le onomatopee per le lingue verbali e il segno GIRL in ASL, il quale riproduce i nastrini per i cappelli, tratto distintivo delle donne in passato). Altre proprietà uniche del linguaggio umano sono l'infinita possibilità di espressione e di produttività, la funzione metalinguistica, la varietà linguistica (diacronica, diastratica e diamesica), la pragmatica, e la possibilità di fare riferimento a eventi anche lontani sia di tempo che di spazio, e fatti reali o fittizi (Armstrong et al. 1995, Sutton-Spence e Woll 1999, Widdowson 1999, Breantari 2010, Kendon 2015).

Inoltre il linguaggio umano non è impiegato solamente per trasmettere informazioni e condividere significati, ma ha anche una funzione sociale, ovvero permette di instaurare e modificare le relazioni con gli altri e è un elemento intrinseco alla comunità di persone che usano quella determinata lingua (Spolsky 1998). Infatti, è all'interno della propria comunità che si ricevono abbastanza stimoli linguistici, i quali aiutano non solo a raggiungere un livello di lingua tale che essa diventi la propria

lingua madre, ma anche a incrementare lo sviluppo cognitivo e a costruire la propria identità sia come individui che come facenti parte di un gruppo (Widdowson 1998). Allo stesso modo la lingua dei segni è legata a una comunità di sordi segnanti: la lingua dei segni non è universale, ma bensì specifica di ogni comunità, e viene trasmessa alle generazioni future insieme alla cultura dei sordi. Infatti la lingua dei segni non è una collezione di gesti accostati uno all'altro, e nemmeno la versione segnata della lingua verbale di uno stato: esse sono lingue indipendenti che condividono i parametri per la formazione dei segni e alcuni elementi morfologici. Esistono tuttavia le versioni segnate delle lingue verbali, ma queste non sono considerate lingue dei segni. Per quanto riguarda l'inglese, esistono tre sistemi manuali principali: Cued Speech, Signed English e Sign Supported English. Invece, l'alfabeto manuale (fingerspelling) viene usato dai sordi segnanti in diverse occasioni, per esempio per nominare un nome proprio di persona, oppure quando non è ancora presente il segno corrispondente a una nuova parola nella lingua verbale, oppure quando si vuole enfatizzare un determinato concetto (Sutton-Spence e Woll 1999).

Un altro aspetto fondamentale che accomuna lingua verbale e lingua dei segni è il processo di acquisizione. In passato si credeva che gli input visivo-gestuali non permettessero lo sviluppo linguistico completo dei bambini sordi, i quali erano solitamente forzati a parlare e a leggere la lingua scritta e il labiale. Successivamente, gli studi di neurolinguistica hanno confutato questa concezione errata: la lingua dei segni eguaglia la lingua verbale per quanto riguarda le possibilità comunicative e di sviluppo cognitivo del bambino sordo come essere umano completo. Infatti l'acquisizione linguistica è fondamentale anche per lo sviluppo delle abilità cognitive, di ragionamento e di socializzazione, perché il linguaggio è legato all'espressione dei pensieri e all'interazione con gli altri. Gli studi sull'acquisizione della lingua dei segni rivelano anche che questo processo avviene seguendo le stesse fasi e gli stessi tempi dell'acquisizione della lingua verbale, sia per lo sviluppo del lessico, che della grammatica, che della semantica. La lingua dei segni attiva la stessa zona del cervello responsabile dell'acquisizione della lingua verbale, e questa è considerata un'ulteriore prova del fatto che le lingue dei segni siano lingue vere e proprie. Inoltre è stato verificato che non c'è una predisposizione maggiore per una delle due modalità (visiva e auditiva): i bambini imparano come prima lingua quella di cui ricevono più stimoli;

per questo, dal momento che il canale visivo-gestuale è quello più immediato per i sordi, la lingua dei segni è la lingua che a loro viene più naturale imparare come lingua madre se sottoposti a una determinata quantità di stimoli. Inoltre, poiché la lingua gioca un ruolo fondamentale nello sviluppo delle capacità di ragionamento e di coscienza, gli studi hanno comprovato che la mancanza di esposizione al linguaggio durante il periodo critico per l'acquisizione ha un impatto negativo sullo sviluppo cognitivo dei sordi. In altre parole, non è la lingua dei segni che non permette lo sviluppo completo, ma l'assenza di esposizione a questa lingua dalla nascita. Infatti, quasi il 95% dei sordi sono figli di genitori udenti: questo significa che la maggior parte di loro non hanno la possibilità né di imparare la lingua verbale (in quanto non possono sentirla, oppure la sentono poco), né di avere accesso diretto alla lingua dei segni dalla nascita e questo ritarda l'acquisizione della prima lingua. Per questo motivo, le comunità di sordi hanno bisogno di un supporto concreto in questo campo e chiedono una protezione linguistica maggiore che permetta loro di avere più possibilità per le nuove generazioni di accedere alla lingua dei segni dall'infanzia (Siple 1978, Sacks 1989, Armstrong et al 1995, Chamberlain et al 1999, Singleton e Ryan 2004, Lightbown e Spada 2013, Meier 2016).

Un altro aspetto fondamentale delle lingue dei segni è il loro legame con le comunità di sordi, i quali sono tutt'oggi riconosciuti dagli esperti del settore come una minoranza linguistica e culturale. Tuttavia, non tutti i sordi fanno parte della comunità, e il gruppo delle persone sorde non è di per sé omogeneo, perché esistono diversi gradi di sordità. Quest'ultimi, insieme all'età in cui si diventa sordi, influenzano anche la conoscenza della lingua dei segni e l'appartenenza alla comunità del singolo individuo. In letteratura si distinguono principalmente tra hard of hearing, deaf e Deaf. I primi sono coloro che possono ancora sentire i suoni grazie a degli apparecchi acustici. I secondi sono i sordi, ovvero coloro che non possono più sentire alcun suono; questi si suddividono in sordi prelinguistici e sordi post linguistici a seconda dell'età della sordità e del loro processo di acquisizione della lingua verbale. Il terzo appellativo, invece, viene usato per identificare quei sordi che si ritengono parte della comunità linguistica e culturale dei sordi. Essi condividono non solo la lingua dei segni di quel paese come loro lingua madre, ma anche un determinato patrimonio culturale e storico che li distingue dalla comunità di parlanti del loro paese.

L'appartenenza alla comunità influenza la percezione dell'individuo stesso: infatti i sordi delle comunità si considerano fieri di essere tali, e vedono la sordità non come una disabilità, ma come un valore culturale che li distingue dalla maggioranza. Sordità e appartenenza alla comunità diventano così tratti distintivi dell'identità del singolo. Ciò significa che la loro condizione medica audiologica non implica automaticamente l'appartenenza alla comunità: il singolo deve condividere tutti questi aspetti appena descritti e voler essere identificati con essa. Perciò non tutti i sordi si sentono parte della comunità, e questo rende più difficile l'individuazione delle dimensioni di quest'ultima sul singolo territorio. Le comunità dei sordi sono organizzate internamente in classi sociali: i sordi che provengono da famiglie di sordi costituiscono l'élite nella comunità e detengono spesso le cariche più importanti al loro interno, mentre i sordi post linguistici o i figli di genitori udenti occupano una posizione inferiore all'interno della comunità, in quanto hanno acquisito la lingua dei segni non dall'infanzia e sono inseriti anche nella comunità di udenti dei genitori (Sacks 1989, Kyle et al 1998, Hogan-Brun e Wolff 2003, Neves 2008)

I sordi non sono soltanto considerati una minoranza linguistica, ma anche una categoria di disabili. Infatti la sordità è considerata internazionalmente come una forma di disabilità, in quanto è una disfunzione biologica che ha conseguenze importanti sulla vita delle persone sorde, come il mancato accesso alle informazioni e ai servizi nei luoghi pubblici come istituzioni, scuole, ospedali. Questa visione medica è stata accompagnata in passato da una considerazione negativa della sordità e della lingua dei segni. Dalla metà del 1700 alla seconda metà del 1800 ci fu una lunga parentesi durante la quale vennero fondate molte scuole residenziali per sordi nei vari stati e attorno a esse si concentrarono le principali comunità dei sordi; in quelle zone fondarono anche i primi centri di ritrovo (Deaf clubs) nei quali si trasmetteva la cultura sorda e la lingua dei segni. Successivamente, con la conferenza di Milano del 1880 si diffuse l'Oralismo, un metodo di insegnamento che puntava all'apprendimento della lingua verbale e alla lettura delle labbra. La lingua dei segni venne bandita dalle scuole e veniva usata di nascosto; gli insegnanti sordi vennero licenziati e di conseguenza i bambini non avevano più modelli adulti sordi a cui fare riferimento; la cultura e le comunità vennero discriminate e si diffuse nuovamente una visione principalmente negativa della sordità sia tra gli udenti che tra i sordi. Inoltre, questo metodo di

insegnamento causò un impoverimento cognitivo nelle nuove generazioni: gli studi condotti nella prima metà del Novecento rivelarono infatti che le loro capacità di lettura e di comprensione erano nettamente inferiori a quelle degli udenti, e i programmi scolastici erano troppo poveri per permetterlo l'accesso al sapere e al mondo del lavoro (Ladd 2003, Monaghan et al 2003, Brentari 2010, Maher 2012).

Solamente negli anni Cinquanta, grazie al lavoro di William Stokoe e dei suoi colleghi linguisti, la lingua dei segni venne rivalutata e dichiarata una lingua vera e propria. Con l'aumentare degli studi e del riconoscimento accademico, insieme ai movimenti per i diritti civili degli anni Sessanta e Settanta e al chiaro fallimento del metodo oralista, le comunità dei sordi si mobilitarono per chiedere maggiori diritti, riconoscimento **…** protezione come per il loro patrimonio linguistico e culturale a lungo negato. Inoltre, promuovono una visione culturale della sordità. Infatti i sordi e gli esperti del settore sostengono che la sordità non è una forma di disabilità socialmente costruita: essa non è disabilitante di per sé, perché i sordi all'interno delle loro comunità hanno le medesime possibilità comunicative e di accesso ai servizi degli udenti; al contrario, è il modo in cui la società è strutturata, ovvero secondo le esigenze degli udenti, che rende la vita dei sordi più difficile. Per questo motivo, le comunità dei sordi sono promotrici di una prospettiva diversa, ovvero la sordità non solamente o in primis come disabilità, ma soprattutto anche come elemento distintivo di un gruppo minoritario. Oggi le comunità dei sordi sono molto organizzate e attive sul territorio nazionale e a livello internazionale per promuovere i diritti dei sordi. Nonostante molto sia stato fatto per favorire l'accesso ai servizi e alle informazioni, non che all'educazione, le comunità chiedono maggiore protezione e promozione a fronte di nuove minacce alla loro sopravvivenza come minoranza culturale e linguistica. Infatti sono stati registrati un aumento generale degli impianti cocleari e una tendenza verso l'inclusione dei bambini sordi nelle scuole pubbliche. Secondo le comunità, questi fenomeni possono essere considerati una nuovo Oralismo e tendono a allontanare le nuove generazioni dalle comunità dei sordi e a integrarle solamente nella comunità di udenti, con una conseguente perdita di sordi segnanti e poca trasmissione intergenerazionale della cultura sorda. Inoltre, le comunità chiedono più diritti linguistici, e maggior supporto per l'accesso alla lingua dei segni nell'infanzia e per rivitalizzare il loro patrimonio storico e culturale anche all'interno delle

comunità stesse, le quali sono state fortemente influenzate dalla mentalità oralista (Ladd 2003, Lane 2005, Sparrow 2005, Cooper 2007, Brentari 2010).

I diritti linguistici sono una disciplina piuttosto recente sulla scena del diritto internazionale, e sono molto difficili da implementare, in quanto sono legati a dinamiche interne ai singoli stati, allo status delle varie lingue e ai costi delle politiche linguistiche. Infatti, i diritti linguistici sono spesso legati allo status e ai diritti delle minoranze linguistiche. Mentre la lingua maggioritaria in uno stato vede i suoi diritti linguistici garantiti grazie al suo status dominante, una lingua minoritaria necessita del supporto legislativo per poter essere utilizzata nei luoghi pubblici. Inoltre, poiché la lingua è spesso una caratteristica fondamentale delle comunità, le maggioranze linguistiche temono spesso che la concessione di diritti linguistici alle minoranze porti quest'ultime a chiedere ulteriori diritti e concessioni, le quali minerebbero l'unità e l'integrità dello stato stesso; questo è uno dei motivi per i quali i diritti linguistici delle minoranze sono poco implementati. Inoltre, i diritti linguistici vengono spesso indirettamente concessi con la protezione di quei diritti umani che hanno un aspetto linguistico intrinseco, come il diritto alla libertà di espressione e alla vita privata. Un altro aspetto che rende questi diritti di difficile implementazione riguarda la loro doppia dimensione: individuale e collettiva. Infatti i diritti linguistici riguardano sia il diritto dell'individuo a formarsi una propria identità come singolo e a esprimersi nella lingua che preferisce, sia i diritti di una comunità di parlanti che ne condividono le regole di uso sociale e la cultura legata alla lingua stessa. Infine, garantire i diritti linguistici alle minoranze comporta ingenti costi allo stato: il riconoscimento di una lingua minoritaria prevede infatti la pianificazione di una politica linguistica che mira a diffondere l'utilizzo della lingua minoritaria nelle istituzioni e luoghi pubblici. Ciò comporta una formazione del personale bilingue e un cambiamento radicale della società accompagnato da costi elevati. Inoltre, non tutte le lingue minoritarie hanno lo stesso status all'interno di uno territorio, e non tutte le minoranze linguistiche hanno le stesse esigenze. E' perciò molto difficile stabilire delle linee guida generali tengano conto delle varie differenze e delle politiche linguistiche che assicurino uguaglianza totale tra le lingue. (Skutnabb-Kangas e Phillipson 1994, Kontra et al 1999, Kymlicka e Patten 2003, Arzoz 2007, Poggeschi 2010).

Sommato a questa dimensione dei diritti linguistici, un ulteriore fattore che rende i diritti linguistici dei sordi ancora tutt'oggi difficili da implementare è il fatto che le leggi sulle lingue a livello internazionale sono piuttosto recenti e non nominano i diritti dei sordi nello specifico. Per quanto riguarda il diritto internazionale, la lingua viene indicata come principio di non discriminazione nella Dichiarazione Universale dei Diritti Dell'Uomo delle Nazioni Unite risalente al 1948. Successivamente, altri trattati delle Nazioni Unite che riguardano o fanno menzione dei diritti linguistici sono la Convenzione internazionale sui diritti civili e politici e la Convenzione internazionale sui diritti economici, sociali e culturali, firmate nel 1966; Dichiarazione delle Nazioni Unite dei diritti delle persone appartenenti a minoranze nazionali o etniche, religiose e linguistiche del 1992. Tuttavia queste leggi sono ritenute troppo deboli perché non obbligano gli stati a far fronte agli impegni presi e non contengono un riferimento esplicito alle comunità dei sordi. A livello europeo sono state adottate la Carta europea delle lingue regionali o minoritarie nel 1992 e la Convenzione-quadro per la protezione delle minoranze nazionali nel 1998. Nonostante il primo dei due trattati europei sia uno dei più innovativi perché è rivolto direttamente alla protezione delle lingue (e non dei gruppi linguistici) e obbliga gli stati a adempiere ai compiti prefissati, non fa menzione delle lingue dei segni (Grin 2003, Woehrling 2005, Arzoz 2007, Poggeschi 2010).

Un altro aspetto fondamentale della promozione e protezione dei diritti dei sordi riguarda la loro appartenenza alla categoria della disabilità. Infatti, nonostante i sordi delle comunità linguistiche non si considerino principalmente dei disabili, molti dei loro diritti e conquiste sono state fatte grazie alla loro doppia appartenenza. Infatti gli esperti del settore ritengono le politiche sulla disabilità più forti di quelle sulle minoranze linguistiche. Un trattato fondamentale è la Convenzione delle Nazioni Unite sui diritti delle persone con disabilità (CRPD) firmata nel 2006. Questo trattato nomina i bisogni linguistici dei sordi e provvede a assicurare l'accesso alle istituzioni, luoghi pubblici e informazioni ai sordi attraverso tutti i mezzi possibili per superare la barriera linguistica, e a promuovere la lingua dei segni anche in vari settori, come i mass media.

La prima politica sulla lingua dei segni analizzata in questo elaborato riguarda la lingua dei segni americana (ASL). Sebbene non esista un dato preciso sulla quantità

di sordi segnanti negli Stati Uniti, l'organizzazione dei sordi a livello federale (NAD), la quale coordina e rappresenta la comunità di sordi americana alle Nazioni Unite, ha redatto un report annuale sull'accesso dei sordi ai servizi e alle informazioni. Secondo questo report, la comunità riconosce i progressi in termini di diritti e accessibilità, ma chiede ulteriore supporto specialmente per l'apprendimento della ASL dall'infanzia, non ché il riconoscimento esplicito del patrimonio linguistico, storico e culturale dei sordi americani. Dall'analisi della politica linguistica americana e delle leggi sulla disabilità contenenti un riferimento alla ASL risulta che a livello federale la lingua dei segni negli Stati Uniti non è oggetto di nessuna legge specifica che ne tuteli il patrimonio linguistico e culturale. Essa viene implicitamente riconosciuta grazie alle leggi sulla disabilità, le quali la considerano uno strumento fondamentale per l'accesso dei sordi e ne garantiscono l'utilizzo in molti luoghi pubblici grazie ai sistemi di interpretariato. La ASL è oggetto di alcune leggi a livello dei singoli stati americani, le quali introducono i corsi di ASL nelle scuole pubbliche e nelle università, in modo da aumentarne la visibilità e la conoscenza anche tra le persone udenti. Tuttavia, essa non viene insegnata come una lingua propria degli Stati Uniti ma bensì come una lingua straniera.

Per quanto riguarda la BSL, sono reperibili delle statistiche sul numero di segnanti nel regno Unito. Tuttavia, il parlamento centrale non ha ancora formalmente riconosciuto la lingua dei segni come lingua ufficiale dello stato. Al contrario viene riconosciuta come tale tramite il BSL (Scotland) Act nel 2015 dal parlamento scozzese. Infatti, come per le altre lingue autoctone come il gallese e lo scozzese, i parlamenti dei singoli stati si sono occupati della questione linguistica dopo la devolution del parlamento britannico negli anni Novanta. Entrambe le due lingue citate sono oggetto di una legge specifica (il Welsh Act del 1993 e il Gaelic Language (Scotland) Act del 2005) e la politica linguistica in seguito formulata viene attuata da delle rispettive commissioni apposite chiamate Language Boards. Tuttavia, a differenza di queste, il BSL Scotland Act non prevede la fondazione di una commissione e questo rende l'atto di più difficile implementazione. Inoltre, anche nel Regno Unito, la maggior parte dei diritti sono garantiti dalla legge sulla disabilità. Quest'ultima è stata adottata dopo la firma della CRPD a livello internazionale, ma la

comunità dei sordi britannica non la ritiene sufficiente per proteggere il loro patrimonio culturale.

Anche per la Nuova Zelanda sono reperibili i dati sulla comunità di sordi presenti in questo stato. La NZSL ha ricevuto la più alta forma di riconoscimento, ovvero quello di lingua ufficiale dello stato, con il NZSL Act del 2006. Questa legge riconosce la dimensione culturale minoritaria della comunità dei sordi neozelandese e prende il Maori Language Act del 1987 come modello. Tuttavia a differenza di quest'ultimo, non prevede la creazione di una commissione apposita. Il NZSL Board è stato istituito solamente nel 2015, dopo che la Commissione per i diritti umani aveva fortemente raccomandato una maggiore protezione per la comunità dei sordi. Anche in questo stato la legge sulla disabilità è stata fortemente influenzata dal trattato internazionale CRPD e garantisce molta più protezione rispetto alle leggi sulle minoranze linguistiche. Infatti lo stesso NZSL Board e la successiva NZSL Strategy fanno parte dell'Ufficio per la disabilità.

Per quanto riguarda il confronto tra i tre stati scelti, gli Stati Uniti, il Regno Unito e la Nuova Zelanda sono risultati molto simili per quanto riguarda la diversità linguistica, il forte dominio della lingua inglese e l'accentuazione di una preferenza per il monolinguismo. Inoltre, i risultati dell'analisi riportati in questo elaborato sono in linea con la letteratura sull'argomento trattato. Infatti, tutte e tre le comunità di sordi riportano preoccupazione per quanto riguarda la crescente chiusura di scuole per sordi, le recenti tendenze all'inclusione dei bambini sordi nelle scuole pubbliche e all'incentivo degli impianti cocleari. Tutte queste misure portano le tre comunità a chiedere maggiore protezione e supporto per salvaguardare il loro patrimonio linguistico e culturale.

Inoltre, la BSL e NZSL, nonostante abbiano lo stesso status delle altre lingue autoctone dei due stati (gallese e scozzese per il primo e lingua maori per il secondo), ricevono una protezione linguistica minore di queste ultime. Uno dei fattori alla base di questa differenza può essere la diversità di status delle varie lingue: il gallese, lo scozzese e la lingua maori hanno un status socio-culturale e storico maggiore rispetto alle lingue dei segni. Inoltre, mentre le politiche linguistiche dei primi risalgono alla seconda metà del XX secolo, i BSL Scottish Act e NZSL Act sono molto recenti, come

lo è la NZSL strategy, ragion per cui gli effetti di queste politiche potranno essere più visibili in futuro.

Per quanto riguarda l'influenza dei trattati internazionali, lo studio conferma che questi ultimi in materia linguistica hanno un impatto minore sulle leggi domestiche riguardante le lingue dei segni rispetto alla CRPD, il trattato internazionale sulla disabilità. Ciononostante, l'attenzione ai diritti linguistici a livello internazionale sembra aver promosso le politiche linguistiche nei rispettivi stati. Infatti, i BSL Act del 2015 e NZSL Act del 2006 sono stati redatti dopo le firme dei vari trattati internazionali sopra citati.

Inoltre, le conquiste più importanti in termini di accessibilità sono stati ottenuti in tutti e tre gli stati analizzati grazie alle politiche sulla disabilità. Perciò, nonostante le comunità dei sordi non si considerino delle categorie di disabili, il loro patrimonio linguistico è stato finora salvaguardato proprio grazie alla loro doppia appartenenza. Infatti, il riconoscimento della lingua dei segni nelle leggi sulla disabilità come mezzo di inclusione accessibilità ai servizi ha fatto sì che i sordi non siano più visti come una categoria di persone con un deficit cognitivo (come si credeva in passato), ma come delle persone con un'esigenza linguistica. Tuttavia, nonostante molto sia stato fatto per i sordi, le politiche sulla disabilità non sono sufficienti per soddisfare le urgenti esigenze della comunità dei sordi, i quali riportano la chiusura di molte scuole per sordi nel paese dovuta alla mancanza di iscritti, un continuo calo di membri e la conseguente difficoltà di trasmettere la loro lingua e cultura alle nuove generazioni; per questo tutte le e tre le comunità chiedono una politica linguistica volta a salvaguardare il loro patrimonio culturale e a fornire l'accesso alla lingua dei segni fin dall'infanzia.

Per quanto riguarda la politica linguistica di ogni stato, quella riguardante la lingua dei segni sembra essere in accordo con le politiche linguistiche delle altre lingue dello stato. Negli Stati Uniti, solo le lingue dei nativi americani sono protette da una legge specifica; nel Regno Unito il gallese e lo scozzese sono protetti da leggi molto simili tra loro, e hanno un'istituzione specifica per ogni lingua che si occupa di implementare la politica linguistica; in Nuova Zelanda la lingua maori è riconosciuta ufficialmente come lingua della nazione e viene protetta grazie al lavoro di una specifica istituzione (Maori Language Board). Allo stesso modo, la ASL non è protetta

da nessuna legge specifica, come tutte le altre lingue, mentre la BSL e la NZSL sono l'oggetto di un atto specifico che prende a modello quelli delle rispettive lingue autoctone. Nonostante il diverso grado di protezione e di approccio, la politica linguistica concreta nei tre paesi ha risvolti molto simili, specialmente nell'ambito dell'educazione pubblica, dove le lingue dei segni sono inserite solo come corso opzionale anche nei paesi con più alto grado di riconoscimento. Inoltre, questo studio conferma che l'ottenimento della forma più alta di riconoscimento non comporta maggior protezione se non è accompagnata da una politica linguistica solida e da un'istituzione che si occupa di monitorarne i risultati, come testimonia la situazione della BSL e dalla NZSL.

Un ulteriore conclusione che si può trarre da questo elaborato riguarda la diversità di approccio con la lingua dei segni. Negli Stati Uniti, la lingua dei segni è considerata soprattutto un mezzo di inclusione e accesso ai servizi e alle informazioni; infatti, l'introduzione nelle scuole come corso a scelta è recente e le leggi sulla disabilità che nominano la ASL non fanno riferimento al patrimonio culturale della comunità dei sordi. Al contrario, nel Regno Unito e in Nuova Zelanda le leggi che riguardano rispettivamente la BSL e la NZSL hanno come obiettivo anche la promozione e la salvaguardia del loro patrimonio culturale come gruppo minoritario. Infine, dal confronto tra le varie realtà linguistiche all'interno dei vari stati è emersa l'importanza della presenza di una commissione per la lingua (Language Board): la sua presenza è cruciale, perché permette di concentrare la politica linguistica sui bisogni reali e più immediati della comunità linguistica e di coordinare e monitorare la sua attuazione nei vari settori, dalla ricerca all'educazione all'utilizzo nei luoghi pubblici.